



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Kuwait\***

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**Consolidated report of the State of Kuwait on the International  
Convention on the Elimination of All Forms of Racial Discrimination**

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## I. Introduction

1. The State of Kuwait has an unalterable, firm and profound faith in the principles of human rights, and strives constantly to realize the fundamental prerequisites of a decent and dignified life for contemporary people. This lofty goal stands high in the list of the aims of the international civilized community.

2. In accordance with this deeply rooted faith, the State of Kuwait has joined international organizations and bound itself to observe the basic international human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Cultural and Social Rights. In the same way, the State of Kuwait has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, grounded as it is in article 1 of the Universal Declaration of Human Rights, which states, "All human beings are born free and equal in dignity and rights".

3. The State of Kuwait is aware that human rights will be incomplete so long as racial discrimination continues to exist and to be prevalent in the world. Indeed, racial discrimination is a stumbling-block to the full realization of the principles and prerequisites of human rights.

4. Accordingly, Kuwait has taken a far-reaching array of legislative and executive measures to combat racial discrimination with a view to promoting human dignity and freedom. Similarly, at the international level it makes a point of cooperating with all elements of the international community in an effort to attain that community's lofty goal, as expressed in the principles and prerequisites of human rights, among which the elimination of all forms of racial discrimination is prominent.

5. In this report, the State of Kuwait will review its prompt, ongoing efforts aimed at eliminating all forms of racial discrimination in application of the basic principles rooted in its long history and in fulfilment of its obligations under international instruments, including, needless to say, the International Convention on the Elimination of All Forms of Racial Discrimination. The report comprises three parts. Part I is the introduction. Part II contains the core document, consisting of (a) general information about Kuwait, (b) the general framework within which human rights are promoted and protected, and (c) information relating to non-discrimination, equality and available remedies. Part III is devoted to the legislative, judicial and administrative measures taken by Kuwait to implement the several articles of the Convention.

## II. Core document

### A. General information

#### **Democratic, economic, social and cultural characteristics**

6. The State of Kuwait lies in the northwestern corner of the Gulf, between latitudes 28°45' and 30°05' N and between longitudes 46°30' and 48°30' E. Its official language is Arabic, and its religion is Islam. Its total area is 17,818 square kilometres, and its population is approximately three million. It is a member of the Gulf Cooperation Council, the League of Arab States, the Organization of the Islamic Conference, and the United Nations. Economically, Kuwait is one of the world's largest producers and sources of oil, and it is a founding member of OPEC (the Organization of Petroleum Exporting Countries).

7. Kuwait lies in a desert region, and consequently its climate is of the continental type, with long hot, dry summers and short warm winters with occasional rainfall.

8. Kuwait is considered to be a developed State in terms of social indicators: in 2008, 99 per cent of its adult population was educated, 100 per cent of school-aged children attended primary school, and yearly mean per capita income was USD 43,100.

9. Kuwait is committed to providing free health care throughout life as a human right under articles 10, 11 and 15 of the Constitution. The country boasts 87 primary health care centres, six general hospitals, and three specialized medical centres. Health care services are provided on a fair and equal basis to all, including citizens, residents, the elderly, children, persons with special needs, women, young people and workers.

10. Kuwait has also devoted particular attention to the right to education. Education at all levels, from kindergarten to university, has been free since 1965, and school attendance is compulsory at the primary and intermediate levels. In 2008, expenditure on education accounted for 14 per cent of the State budget. Literacy is nearly universal: in 2009, illiterate persons accounted for only 3.5 per cent of the population. Persons with disabilities are provided with a full range of educational services. In some cases they are integrated with regular classes, while in others they attend special schools.

### **The constitutional, political and legal structure of the State**

11. Kuwait is an independent, fully sovereign Arab State. Its religion is Islam, its official language is Arabic, and its form of government is democratic. As noted in an explanatory note to the Constitution, the Constitution, in this democratic system that has adopted it, marks out a middle way between a parliamentary system and a presidential system. One unmistakable indication that the system of government embodies basic democratic principles is that Kuwait operates on the principle of the separation of powers, with cooperation among them.

12. One entire part of the Kuwaiti Constitution, divided into five chapters, is devoted to these powers. The first chapter states that the legislative power is vested in the Amir and the National Assembly in accordance with the Constitution. The executive power is vested in the Amir, the Cabinet and the Ministers, and judicial power is vested in the courts, which exercise it in the name of the Amir within the limits set by the Constitution.

13. The second chapter of the above-mentioned part of the Constitution deals with the powers of the Head of State:

1. He exercises his powers through his Ministers, and he appoints, and may dismiss, the Prime Minister;

2. He is the Commander-in-Chief of the Armed Forces, and he appoints and dismisses officers in accordance with the law;

3. He issues implementing regulations to give effect to laws, and regulations necessary for the organization of public services and administrative bodies in the State;

4. He appoints civil and military officials and political representatives to other States.

14. The Amir possesses other powers in addition to those listed above:

### **Legislative power**

15. Under article 79 of the Constitution, legislative power is vested in the Amir and the National Assembly, which comprises 50 members, elected directly by universal suffrage

and secret ballot for a term of four years. This is the body that enacts legislation under the Constitution. The third chapter of this part of the Constitution sets forth provisions relating to legislative power.

### **Executive power**

16. Executive power is vested in the Amir and the Cabinet, which has control over State departments and agencies, formulates the general policy of the Government, oversees its implementation, and supervises the performance of work in governmental administrative bodies. Each Minister supervises the affairs of his Ministry and carries out the general policy of the Government; he also formulates directives for his Ministry and ensures that they are implemented.

### **Judicial power**

17. Judicial power is vested in the courts, which exercise it in the name of the Amir. The independence of the judiciary is guaranteed by the Constitution and by law. The underlying principle is that the honour of the judiciary and the integrity and impartiality of judges are the foundation-stones of the State and a guarantee of rights and freedoms. Judges, in administering justice, are not subject to any outside authority. The law guarantees the independence of the judiciary and provides safeguards and rules for judges. The Constitution devotes a separate chapter to the judicial power.

## **B. General framework for the protection and enhancement of human rights**

18. It will be useful to begin with the fact that the State of Kuwait has acceded to a number of international human rights instruments, including:

<i>No.</i>	<i>Name of instrument</i>
1	Slavery Convention
2	Protocol amending the Slavery Convention (1926)
3	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
4	International Convention on the Elimination of All Forms of Racial Discrimination
5	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
6	International Convention on the Suppression and Punishment of the Crime of Apartheid
7	Convention on the Rights of the Child
8	Convention on the Elimination of All Forms of Discrimination against Women
9	Convention on the Prevention and Punishment of the Crime of Genocide
10	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

<i>No.</i>	<i>Name of instrument</i>
11	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
12	International Covenant on Civil and Political Rights
13	International Covenant on Economic, Social and Cultural Rights
14	International Convention against Apartheid in Sports
15	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
16	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

19. Moreover, the State of Kuwait has taken the necessary constitutional and legal steps to accede to the Convention on the Rights of Persons with Disabilities. At the regional level, Kuwait has signed the Arab Charter on Human Rights, which is currently before Kuwait's National Assembly.

20. Kuwait's Constitution may be regarded as the political and legal umbrella for the rules governing human rights in Kuwait generally. In addition, a number of the country's laws relating to everyday aspects of life were enacted before the promulgation of the Constitution with the object of providing safeguards for justice for individuals in Kuwait, including in particular the Criminal Code and the Code of Criminal Procedure, both of which date from 1960. The Constitution itself is clearly concerned with human rights, the effort to achieve a better future with greater prosperity for citizens, the interests of the country, and the Arab tradition of attachment to individual personal dignity.

21. In line with the Constitution's general concern for human rights, most of its provisions enshrine the principles on which the international community stands, as expressed in the relevant international instruments. In addition, the establishment of the Constitutional Court pursuant to Act No. 14 of 1973 has served to safeguard these rights and freedoms and ensure their effective application.

#### **Human rights principles in Parts I and II of the Constitution**

22. Rights and freedoms figure prominently in Kuwait's Constitution, and most of its articles contain provisions relating to them. The passages given below are particularly noteworthy:

- The people are the source of all powers; sovereignty, resident in the people, belongs to the community (art. 6);
- Justice, equality and liberty (art. 7);
- Protection of the family, motherhood, childhood and youth (arts. 9 and 10);
- Care and social security for all citizens in old age, illness or inability to work (art. 11);
- Free education guaranteed and promoted by the State (art. 13);
- Promotion of science and literature and encouragement for scientific research (art. 14);
- The right to health care (art. 15);

- Individuals' right to own property, and the sanctity and protection of public property (arts. 16 and 17);
- The inviolability of private property; no property may be expropriated except in the public interest under the circumstances specified by law and subject to the condition that fair compensation is paid (art. 18);
- The right to hold public office (art. 26).

### **Human rights principles in Part III of the Constitution**

23. This Part is devoted to public rights and duties. It contains many of the principles enshrined in international instruments dealing with human rights. Those principles are as follows:

- Citizenship may be withdrawn or withheld only within the limits prescribed by law (art. 27);
- No Kuwaiti may be expelled from his country (art. 28);
- Equality, with no discrimination on the grounds of race, origin, language or religion; all citizens are equal before the law in public rights and duties (art. 29);
- Freedoms and rights, such as personal freedom (article 30), freedom of belief (article 35), freedom of opinion and scientific research (article 36), freedom of the press, printing and publishing (article 37), freedom of private life and residence (article 38), freedom of communication by post, telegraph and telephone, and freedom to form associations and trade unions (article 43), and the right of assembly (article 44);
- No individual may be arrested, imprisoned, tortured or compelled to reside in a specific place, and there are no restrictions on personal freedom, residence or movement. Torture and degrading punishments are prohibited (art. 31);
- There is neither crime nor penalty except as provided by law (art. 32);
- An accused person is presumed innocent until his guilt is established at a lawful trial with the necessary safeguards for the exercise of the right of defence (art. 34);
- The right to free education at all levels; education is compulsory at the primary level (art. 40);
- The right to work (art. 41);
- The extradition of political refugees is prohibited (art. 46);
- Persons with low incomes are exempt from taxation (art. 48).

### **Principles contained in Part IV of the Constitution**

24. The five chapters comprising this Part define the bases of the system of governance in the State, the three powers and their respective features and functions. The principle of the separation of powers is enshrined in article 50. In chapter 5, important fundamental principles concerning the judiciary are formulated: the integrity of the judiciary is deemed to be the basis of governance and the guarantee of rights and freedoms. The following principles are formulated:

- The principle of the independence of the judiciary and the freedom of judges from interference (art. 163);
- The principle of the right of recourse to the courts (art. 164).

25. The Constitutional Court was established pursuant to Act No. 14 of 1973. The Constitutional Court has sole authority to interpret the text of the Constitution and to decide in all disputes relating to the constitutionality of laws, regulations and other statutory instruments. Rulings of the Constitutional Court are binding upon all and upon other courts.

### **Education**

26. When we come to consider the matter of human rights as they relate to education, we find that Kuwait has made great strides. This aspect is discussed in the following section.

#### *Legislation pertaining to education*

27. As the State of Kuwait evolved over time, various laws and decrees with a bearing on education were adopted before the promulgation of the present Constitution. These are summarized below:

28. In 1955, a report on education known as the Matti-‘Aqrawi report was published. It set forth the general principles relating to human rights, including:

- (a) Elimination of illiteracy,
- (b) Promotion of democracy,
- (c) The importance of establishing common compulsory education,
- (d) Giving citizens the opportunity of completing their education.

29. It is clear from the report that the right to education is inextricably bound up with the principle of justice and equal opportunity, and that particular emphasis is placed on basic education.

30. In 1965, the Compulsory Education Act was adopted. It provided that:

- (a) Education was to be compulsory and free for all, including both boys and girls;
- (b) The compulsory period was to be eight years. However, the Act was amended to make the compulsory period nine years when the education system was overhauled in 2005.

31. Completing the development of Kuwait’s educational system, the University of Kuwait was founded in 1966. In 1979, an Amiri decree was issued defining the areas of competence of the Ministry of Education, and in 1981, in accordance with the principle of education as a right enjoyed by all, the Eradication of Illiteracy Act was adopted.

32. In 1987, a special Act was adopted supplementing existing legislation in the matter of public education, defining education as a right of all Kuwaitis that was provided free of charge by the State.

### **National policies on human rights education**

33. Education and human rights are closely associated, in the first place because education is recognized as a right in itself, while at the same time it is also a means of teaching human rights. In addition to its national policies on human rights education, Kuwait has played a prominent role in this area, as will be seen from the discussion below.

#### *Arab Plan for Human Rights Education, 2009-2014*

34. Kuwait led and participated effectively in the work of preparing the Arab Plan for Human Rights Education under the auspices of the League of Arab States. All the Arab

States approved the Plan at the Arab Summit Conference held in Damascus in 2008. The Plan's objectives are as follows:

- (a) Integration of human rights into the education system at all levels;
- (b) Professional development and training for human resources in the field of human rights education
- (c) Preparation of the educational environment for human rights education;
- (d) Action to broaden community participation in the task of disseminating a human rights culture.

35. The Arab Plan for Human Rights Education focuses on general principles, of which the most important are listed below:

- (a) Universality and inclusiveness: all people enjoy the same rights, and there is no basis for discrimination among them;
- (b) Comprehensiveness and integration: human rights form a single indissociable whole;
- (c) Equality and non-discrimination: human rights are a right enjoyed by every individual without any form of discrimination based on race, colour, nationality, language, religion, political or other opinions, racial, national or social origin, wealth, place of birth, or any other circumstance;
- (d) Participation: all individuals and peoples have the right to participate effectively and meaningfully in social and economic development.

#### *Supreme Human Rights Committee*

36. With a view to regulating the human rights context and ensuring that these principles were securely anchored in Kuwaiti society, a Ministerial Decree was issued in 2008, establishing the Supreme Human Rights Committee and defining its functions, as follows:

- (a) To foster awareness of human rights through the various media, organize training courses and talks, and conduct research on human rights;
- (b) To ensure the integration of basic human rights concepts into school curricula at the general and higher education levels.

#### *Analysis of the current situation of human rights education*

37. The present situation of human rights education may be regarded as a stage in which the work accomplished in previous stages is being rounded off and completed, with the subject being taught in accordance with human values in general. The present situation may be analysed as follows:

##### *1. Curricula*

38. When official education in Kuwait was just becoming organized, there was a clear emphasis on basic teaching and learning, with their cognitive, vocational and emotional aspects. Accordingly, we may say that all human values, including human rights, peace, democracy, tolerance and others, are included in school curricula. These values are inculcated through:

- (a) Educational objectives in Kuwait at all levels (general, promotional, curricular and behavioural);

(b) Action to ensure that all school books contain these values, presenting them explicitly at times and by implication at other times. These concepts and values are included in textbooks on Islamic religion, Arabic language, social studies and other subjects;

(c) Emphasis on accounts of daily life and practical exercises in the educational setting;

(d) Numerous surveys on the presence of those values in school programmes and a mechanism to ensure that they are included.

39. As a result of recent changes in many aspects of education, both domestically and world-wide, and also as a result of the urgent need to inculcate human values, with particular emphasis on some of them, such as human rights, democracy, peace and international understanding, Kuwait has embarked on a number of unambiguous steps along those lines. Since the mid-1990s, it has been establishing specialized committees to research a mechanism for developing school programmes that deal with human rights and democracy and pave the way for the attainment of those goals.

40. In the year 2000, a specialized committee was established to design school programmes on the Constitution, human rights and democracy, one of its main functions being to design programmes dealing expressly with those concepts. This was followed by the formation of drafting committees tasked with the preparation of those programmes. In 2006, a new specialized committee in the field of human rights was formed, made up of leading authorities in the following fields:

- International law;
- The Constitution;
- Human rights;
- Political science;
- Basic principles of education and curricula;
- Social subjects;
- Arabic language;
- Curriculum management.

41. The Committee's work has proceeded step by step, as follows:

(a) Definition of a philosophy on the teaching of the Constitution and human rights;

(b) Preparation of the conceptual and cognitive framework for the subject along lines that reflect the scope and continuity of the field of study, with each stage serving as preparation for the next;

(c) Formulation of the general objectives of the subject;

(d) Formulation of the specific objectives for each grade;

(e) Preparation of the study material and related activities;

(f) Subdivision of the study material in accordance with the following procedure:

(i) Principles of democracy, the Constitution and human rights;

(ii) Grade 11: Human rights: a grasp of the concept and its importance, features and origins, together with detailed study of particular human rights, such as the right

to life, equality, human dignity, freedom of belief, opinion and expression, education and learning, the rights of women, the rights of children, political rights and the duties of the individual;

(iii) Grade 12: The Constitution and public powers.

42. The Committee has completed a number of its tasks, including the following:

(a) Establishment of an intellectual and cognitive basis for the subject that distinguishes it from other subjects, with its characteristic array of intellectual, educational, legal and political components;

(b) Emphasis on direct, goal-oriented teaching with a view to ensuring that the pupil derives maximum benefit from his study of the subject, retains a sound understanding of the technical terms involved, and obtains a good grasp of the content;

(c) Preparation of a teacher's manual;

(d) Keeping in touch with the field through meetings and educational colloquia;

(e) Organization of a training course for male and female instructors in social subjects;

(f) Organization of a training course for male and female teachers of the Constitution and human rights.

The philosophy of the Constitution and Human Rights course

43. It is of the utmost importance for the pupils to possess an understanding of the concepts of democracy and their meanings, the several parts of the Constitution and its laws, and human rights and their aims, in a straightforward, undirected legal and educational context, to enable them to acquire, as they grow up, an abundant body of valid knowledge and sound thinking, understanding that differences between States and individuals in their understanding of democracy and its applications are by no means analogous to doctrinal or tribal differences or anything else that may affect our national unity.

44. In the light of the foregoing discussion, it appears that the philosophy of the Constitution and Human Rights course is founded upon:

(a) The importance of the Constitution and its contents, including articles that govern the relations between individuals and the governing power or between one individual and another, articles that organize their lives in all spheres of political, economic and social activity, and articles that safeguard their rights and prescribe their duties;

(b) The view that human rights are universal and an integral part of human life, indeed, the basis of human existence, happiness and welfare; human dignity, justice, equality and all that is conducive to the well-being and prosperity of individuals and society are realized only through them. A comprehensive view is presented.

45. The philosophy of the Constitution and human rights is made meaningful through general educational concepts (knowledge, values, attitudes, skills and applications) within the following frameworks:

(a) Knowledge: through the presentation of facts and information relating to the Constitution and human rights with a view to inculcating knowledge, awareness and understanding of the importance of the Constitution and human rights;

(b) Values and attitudes: through the presentation of the values associated with the Constitution and human rights for the purpose of forming a positive attitude toward them and a sense of their importance for individuals and society;

(c) Skills and applications: through social skills and study skills and practical application in various situations relating to the Constitution and human rights.

46. Islamic law, i.e. the Shari'a, the provisions of the Constitution and the law, and international instruments are the foundation-stones of the philosophy of the Constitution and Human Rights course and the guide to the content and objectives of the curriculum.

General objectives of the Constitution and Human Rights course

47. The goal of the philosophy of the Constitution and Human Rights course is to strengthen pupils' attachment and allegiance to the homeland through personal development (intellectual, emotional and social). The following general objectives are pursued on the road to that goal:

(a) Pupils' awareness of the importance of democracy, the Constitution and human rights;

(b) Pupils' familiarity with facts and information relating to democracy, the Constitution and human rights;

(c) Preparation of pupils for life experience in accordance with the principles of democracy, the Constitution and human rights;

(d) Enabling pupils to strengthen and interiorize the human values related to the Constitution and human rights;

(e) Fostering of positive attitudes toward democracy, the Constitution and human rights in pupils;

(f) Development of pupils' allegiance and attachment to their country;

(g) Development of pupils' critical thinking skills.

48. The Constitution and Human Rights course has been taught since the 2006 school year, beginning with Grade 10 in that year and continuing with Grade 11 in 2007 and Grade 12 in the 2008 school year.

## 2. *The teacher*

49. The success of any educational project depends to a large extent on the teacher, because it is really he who implements the educational program and projects. He is also the real connecting link between the field and decision-makers. This importance of the teacher was decisive for the organization of specialized training courses, and consequently the Ministry of Education undertook the following actions:

(a) Enrolling some teachers and technical instructors in local, regional and international specialized training courses and workshops on the teaching of human rights, international humanitarian law and democracy;

(b) Organizing training courses for technical instructors;

(c) Organizing training courses for teachers under the supervision of technical instructors;

(d) Organizing seminars and discussion groups to promote awareness of democracy and human rights education;

(e) Continuing media campaigns on those concepts and how they are taught.

3. *The pupil*

50. Ministry of Education regards pupils as being of particular importance in the field of democracy and human rights education, as will be clear from the following indicators:

- (a) The teaching of topics with a bearing on human rights and democracy is implicit in all programmes;
- (b) The teaching of specialized subjects at the intermediate level, such as proficiency in the Constitution, elections, and non-violence;
- (c) The teaching of the Constitution and human rights as a subject at the secondary level;
- (d) A yearly competition on democracy and the Constitution;
- (e) The organization of various competitions on such matters as research, reports and illustrations with a bearing on human rights;
- (f) Emphasis on those concepts through in-class and extracurricular activities;
- (g) Field visits for pupils to organizations concerned with human rights, such as the Human Rights Association, the National Assembly and others;
- (h) Establishment of cultural seminars aimed at propagating awareness of the concept of human rights and democracy among pupils;
- (i) The University of Kuwait offers a course entitled "Human Rights and its distinctive goals".

4. *Teaching methods and approaches*

51. Although teaching methods and approaches are tailored to the various subjects, the fact remains that the teaching of values (including, of course, human rights) has its own distinctive requirements, owing to the difficulty of assessing it at the time it is taught; it is an expression of a value-laden factor that must be evaluated in terms of its impact on the pupil's behaviour over the long term.

52. Training courses and technical meetings have been used to achieve emphasis on the use of methods and techniques that are expressly adapted to human rights issues. These include (the list is not exhaustive):

- Cooperative education;
- Approaches to the teaching of values;
- Problem-solving;
- Brainstorming;
- Dialogue and discussion;
- Mimicry.

53. Another outcome has been a focus on particular activities, including:

- Field visits;
- Research and reports;
- Gathering illustrations and data;
- Competitions;
- Participation in work within the school.

*Teaching human rights outside the school setting*

54. Owing to their cultural nature, human rights are integral and all-inclusive, like the climate, and consequently it is impossible to focus exclusively on the school setting while ignoring the environment surrounding the school. Accordingly, a major concern has been the propagation and teaching of human rights in society as a whole, with active participation in civil society institutions. Here we see the role of the media and communication in the propagation and teaching of human rights, in contrast to the view of education as something that takes place exclusively inside school premises.

55. Kuwait has endorsed the Arab Plan for Human Rights Education, Part I of which deals with human rights education in the school setting, while Part II is concerned with other institutions. The objectives of the plan in that connection are defined as follows:

*1. Training*

56. Training in this area is aimed at groups that have a fundamental, direct position in the field of education for individual and collective rights and are instrumental in shaping public opinion. These groups include teachers and supervisory personnel within youth associations, women's clubs, summer camps, centres for the protection of juvenile delinquents, sports associations, and, in brief, civil society institutions of all kinds.

57. The training aspect of human rights education aims, through other education-related social institutions, at the following objectives:

- (a) Training of specialists in the field of human rights education practically and institutionally;
- (b) Creation and adaptation of educational programmes and tools that are tailored to the needs of different sectors;
- (c) Encouragement for partnerships and strengthening relations between institutions, organizations and training centres specializing in the field of human rights and institutions of information and scientific, cultural and technical production; action to create effective communication among all partners.

*2. Awareness-raising*

58. This operation is aimed at the various components of society, including institutions, associations and individuals, but more particularly at those who to date have remained untouched by education and training activities in the field of human rights.

59. Human rights education is aimed at the objectives outlined below, working through other education-related social institutions in the area of awareness-raising:

- (a) Enabling broad spectra of groups in society to benefit from awareness campaigns focusing on human rights;
- (b) Bringing about the inclusion of awareness campaigns focusing on human rights in the programmes of political, economic and cultural institutions;
- (c) Strengthening a culture of dialogue on the values, principles and concepts of human rights among all components of society.

60. Possible awareness-generating programmes might include:

- (a) Training for specialists who have had experience with awareness-generating in other fields;
- (b) Creation of various information programmes on human rights education;

- (c) Monitoring information programmes to determine to what extent they are consistent with the values and principles of human rights;
- (d) Enlisting the cooperation of specialists in the cultural field in designing awareness campaigns dealing with human rights;
- (e) Activating the role of mosques and religion in propagating a culture of human rights, and benefiting from their knowledge in clarifying the meaning of rights and duties.

## **C. Information relating to non-discrimination, equality and available remedies**

### **Judicial or administrative authorities with jurisdiction in matters covered in the Convention**

61. Article 1 of the Decree promulgating the Organization of the Judiciary Act (Act No. 23 of 1990), as amended by Act No. 10 of 1996, lays down the two following basic principles:

- First, the courts have all-inclusive jurisdiction to decide in all civil, commercial, administrative and personal status disputes as well as criminal cases. The purpose of this principle is to maintain the unity of the court system in the State, thus strengthening the principle of the equality of litigants.
- Second, the rules governing the type or degree of court jurisdiction are established by law. No subordinate statutory instrument may define or alter that jurisdiction. Under the above-mentioned Act, the courts of Kuwait comprise the Court of Cassation, the Court of Appeal, the Court of First Instance, and the Court of Summary Procedure.

62. In the light of the foregoing discussion, the remarks in the paragraphs below may be deemed relevant:

- Under article 166 of the Constitution, the right of recourse to the courts is guaranteed to all, and any individual who alleges that any of his rights has been violated in the State of Kuwait has the right to go before a Kuwaiti court and claim redress for the injury he has suffered. Furthermore, the purpose of the Organization of the Judiciary Act is to strengthen the principle of the independence of the judiciary;
- In addition, the Code of Criminal Procedure, in accordance with international standards of justice, provides litigants with legal safeguards, including an open trial, the right to be represented by counsel, and other safeguards;
- The provisions of the Convention are implemented in accordance with the mechanism set forth in article 70 of the Constitution:
  1. "The Amir concludes treaties by decree and transmits them immediately to the National Assembly with the appropriate statement.
  2. A treaty has the force of law after it is signed, ratified and published in the Official Gazette. However, treaties of peace and alliance, treaties concerning the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens, treaties concerning trade, navigation and residence, and treaties entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait shall come into force only when provision for this is made by law.

3. In no case may treaties include secret provisions contradicting those declared.”

63. Publication is the final phase in the legislative process. It constitutes action by the executive branch to make the new legislation known so that it can be put into effect. Laws are published in the Official Gazette in the Arabic language within two weeks following their adoption, and enter into force one month after publication. This time-frame, however, may be extended or abridged by a specific provision of law. Upon its publication in the Official Gazette and the expiry of the specified time-limit, a law enters into force and thus becomes binding upon all and sundry, regardless of whether any given individual has knowledge of its publication. Publication is a prerequisite for legislation of all kinds, and constitutes a directive to all agencies and authorities to apply the law in their respective areas of competence.

### **III. Legislative, judicial and administrative measures taken by the State of Kuwait to implement the articles of the Convention**

#### **Article 2**

64. This article focuses primarily on the commitments assumed by States Parties to the Convention, namely to implement the Convention by adopting a policy of eliminating racial discrimination, and also to take any necessary measures to put that policy into effect.

65. In this connection, the State of Kuwait would like to emphasize that, as noted in its previous reports to the Committee, its political and legal position on the elimination of racial discrimination is a firm and unassailable one arising from stable values informing Kuwaiti society. This is clear from the provisions of the Constitution, and the country’s domestic legislation is consistent with those noble values. Domestic law also emphasizes respect for human dignity and the individual’s right to the full enjoyment of his or her fundamental rights and freedoms in all domains. Article 29 of the Constitution enunciates the principle of equality in rights and duties in general; specifically, it states that those rights are enjoyed without distinction as to race, language or religion.

66. During the period that has intervened since the submission of Kuwait’s previous report to the Committee, the Government has pursued its policy of entrenching the principles of equality among its citizenry and safeguarding fundamental rights and freedoms. To that end, it has taken legal and practical measures aimed at preventing and eliminating racial discrimination in various fields: the rules governing nationality have been overhauled, the legislative electoral base has been broadened, and action has been taken to address the issues of illegal residents and protect foreign workers. These and other measures will be discussed in other passages of this report.

67. Kuwait has taken various significant steps that clearly indicate concern on the part of the State and its institutions for humanitarian issues. In particular, a number of new national agencies in that field have been established, in addition to the previously existing organizations referred to in past reports. New bodies that have been launched during the period covered by the present report are described in the following paragraphs.

#### **Committee on the Status of Women**

68. This committee was established pursuant to Cabinet Decree No. 624 of 30 June 2002. The Committee is tasked with monitoring the status of Kuwait women nationally and internationally.

### **Higher Committee for Children and the Family**

69. This committee was instituted pursuant to Cabinet Decree No. 9 of 13 January 2005 authorizing the establishment of a Higher Committee for Children and the Family. Accordingly, the Minister of Social Affairs and Labour issued his Decree No. 55 of 2001 establishing the Committee and specifying its functions, as follows:

- Following up the implementation of conventions and the recommendations of conferences on children, women and the family by the relevant authorities and evaluating the measures adopted in that connection;
- Formulating and following up the implementation of national plans for children, women and the family;
- Setting up a modern database on children, women and the family;
- Proposing and drafting national plans and projects for children, women and the family;
- Reviewing legislation and statutory instruments with a bearing on children, women and the family and tabling proposals aimed at ensuring the effectiveness and development of such legislation and statutory instruments.

### **Higher Council on the Family**

70. The Council was instituted pursuant to Decree No. 401 of 2006, and is headed by the Prime Minister pursuant to Decree No. 42 of 2007 amending the earlier decree. The Council's remit comprises all matters relating to the family. It works to strengthen family ties, preserve the existence and unity of families, and foster and develop families' capacities, with a view to consolidating social security and stability.

### **Committee on Human Rights**

71. This committee was established by the Ministry of the Interior pursuant to Ministerial Decree No. 1998 of 2001. Its function is to receive complaints containing allegations of violations of human rights, investigate them, and issue opinions on them.

72. In addition, a Human Rights Division has been established within the Ministry of the Interior.

### **Guest workers' shelter**

73. This institution provides accommodation for foreign workers who have become embroiled in disputes with their employers. The shelter provides them with health care and social, psychological, legal and recreational services until such time as they come to terms with their employers or return to their countries of origin.

### **Telephone hotline for complaints from guest workers and domestic workers**

74. This hotline has been set up to receive complaints from guest workers and domestic workers about disputes between them and their employers, regardless of whether such complaints have to do with their rights as workers or their dignity as human beings. All complaints are examined and referred to the competent authority for appropriate action in accordance with the law.

75. As of the time of preparation of this report, the Ministry of Social Affairs and Labour had announced the founding of four public interest associations concerned with human rights since 2004, including in particular:

- The Human Rights Association of Kuwait;

- The Kuwaiti Association for the Fundamental Elements of Human Rights;
- The Transparency Association of Kuwait.

### **The Higher Committee on Human Rights**

76. This committee was established by the Ministry of Justice pursuant to Ministerial Decree No. 104 of 2008. The Committee is chaired by the Minister of Justice, and the membership consists of two representatives each from a number of ministries and governmental bodies concerned with human rights. The Committee's areas of competence are spelled out in the above-mentioned ministerial decree; in brief, they include all matters with a bearing on human rights at the national, regional and international levels. Furthermore, for the sake of enhanced effectiveness the Committee has established a number of subcommittees to deal with specific issues.

### **Article 3**

77. Taking its cue from the merciful Shari'a and the words of Almighty God in His holy book, "We have honoured the sons of Adam" (Koran, XVII, 70), and seeking to give material form to modern civilized concepts and values, Kuwait's 1962 Constitution devotes two chapters to the human rights and fundamental freedoms of contemporary Kuwaiti society. Specifically, article 29 states, "All people are equal in human dignity and in public rights and duties before the law, without distinction as to race, origin, language or religion."

### **Article 4**

78. Since its inception, the State of Kuwait has striven to support and strengthen human rights, in step with international innovations and developments aimed at upholding human rights, ensuring that they are firmly rooted in the human consciousness, and eradicating all forms of discrimination. Kuwait has also strengthened and consolidated its relations with the other members of the international community in endeavouring to contribute to the development of human rights. All the country's executive bodies that are concerned with human rights have participated in the task of preventing any attempt to violate or restrict human rights, or who might seek to sow hatred and discord among members of society.

79. The foregoing discussion clearly shows Kuwait's commitment to international principles. Article 29 of the Constitution states, "All people are equal in human dignity and in public rights and duties before the law, without distinction as to race, origin, language or religion."

80. As regards the legislative power, four members of the House of Representatives have tabled draft legislation that would amend the Civil Service Act (Act No. 15 of 1979) by adding a new subparagraph (subparagraph 7) to article 25. The proposed amendment would prohibit officials from discriminating among applicants on the basis of sex, origin, language or religion. The purpose of this amendment, according to the accompanying explanatory note, is to ensure equality among all citizens and persons dealing with officials in all administrative bodies of the State under the provisions of the Act, and to prohibit those officials from discriminating in respect either of the time taken to respond to applicants or of the way their concerns are handled.

81. The explanatory note goes on to state that the draft amendment was written to add a further item to the list of prohibitions incumbent on Government officials under article 25 of the Act. It would become unlawful for employees of any department or agency to discriminate among applicants for any reason; equality in respect of rights would become of

the essence of the Act. Discriminatory behaviour was deemed to be on a par with serious offences for which perpetrators are liable to severe penalties under articles 27, 28 and 29 of the Act, ranging from disciplinary measures to criminal prosecution under Kuwait's Criminal Code, where warranted.

82. It is noteworthy that the Civil Service Act and Regulations are examples of legislation that addresses the rights and duties of public officials and enshrines the principle of equality. A series of statutory instruments governing employment in the service of the State have been enacted, the most recent of them Ordinance No. 15 of 1979 as amended and the Civil Service Regulations, besides other statutory instruments designed to supplement them and bring them into force. The Civil Service Regulations do not contain any discriminatory provisions based on gender or origin; the conditions of appointment and performance are the same for all employees. The same applies to rates of pay, allowances, premiums and all benefits in cash or in kind.

83. As confirmation of the importance of women's rights, the Act grants them certain specific types of leave, including family leave, maternity leave and childbirth leave. In addition, a pregnant woman civil servant with a disability is granted special leave under the Persons with Disabilities Act. In the context of the foregoing discussion, the regulations governing civil service employment do not contain any gender-based discriminatory provisions, in accordance with the principle of equality for all, without distinction as to gender, language or religion, that is enshrined in the Constitution.

84. It has been proposed that article 49 of the civil Service Regulations should be amended to provide that women civil servants accompanying their husbands on missions shall be granted leave at half pay, to put them on a footing of equality with male civil servants who are granted leave at half pay when they accompany their wives on such missions. This proposal is still under consideration by the Cabinet.

## **Article 5**

85. This article contains a list of rights and freedoms which States Parties undertake to guarantee to everyone, pursuant to the principle of equality before the law, without distinction as to race, colour, national origin or gender.

86. The status of the rights listed under this article in Kuwait's domestic legislation has been set forth in detail in Kuwait's previous reports on the Convention. Those reports have outlined the provisions of the country's Constitution and laws guaranteeing individuals' enjoyment of these rights on a footing of equality, without distinction as to colour, language or gender.

87. During the period covered in this report, Kuwait has moved expeditiously to strengthen these rights, as may be seen from the paragraphs below.

### **1. Political rights**

88. In the course of the past few years, many developments have occurred in the domain of political rights. Kuwaiti women now exercise their political rights in full as voters and candidates. Indeed, they achieved an unprecedented success in that domain when four women candidates were elected at the 2009 elections. Moreover, women have come to fill senior economic, social and cultural posts; there have been women ministers, deputy ministers, heads of directorates and the like. Women have now begun to participate in political decision-making as well, and this is very significant; there could be no clearer indication of the fact that there is no discrimination in that area.

## 2. The right to freedom of movement within the State

89. The right to reside and travel from place to place with the borders of the State is guaranteed under the Constitution and laws of Kuwait. These statutory instruments do not contain any restrictions on the freedom of citizens and residents to travel and elect a place of residence, except where otherwise provided by law.

90. To confirm the absence of restrictions on individuals' freedom of movement, including that of guest workers, the courts have ruled that a travel document belongs to its holder and cannot be confiscated, and consequently the individual's freedom of movement cannot be impeded. Pursuant to that ruling, the Ministry of Social Affairs and Labour has issued a decree prohibiting employers from taking workers' passports; any employer who does so will incur liability under the Private Sector Employment Act and its implementing regulations.

## 3. The right to nationality

91. The State of Kuwait attaches great importance and concern to this humanitarian aspect. As part of the task of eliminating discrimination between individuals in society, a number of amendments to the Nationality Act (Act No. 15 of 1959) have been adopted with a view to ensuring that Kuwaiti nationality is granted to everyone entitled to it by law. In addition, a number of Amiri decrees have been issued bestowing Kuwaiti nationality on certain individuals. These are outlined below:

- A decree adding an article 7 bis to Act No. 11 of 1999, providing that Kuwaiti nationality shall be granted to the children and grandchildren of naturalized persons who have not had an opportunity of acquiring it under the provisions of the Nationality Act; where they fulfil the conditions set forth in that Act;
- Amiri decree No. 256 of 1999, issued on 2 October 1999, granting Kuwaiti nationality to 366 persons under article 5(2) of the Nationality Act (Act No. 15 of 1999) as amended. Under the decree, Kuwaiti nationality was granted to children whose mothers were Kuwaiti citizens but whose fathers were not;
- Amiri decree No. 211 of 1999, granting Kuwaiti nationality to 102 individuals under article 7 bis of the Nationality Act. Under this decree, Kuwaiti nationality was granted to persons who had reached their majority at the time their fathers acquired Kuwaiti nationality through naturalization;
- Decree No. 138 of 1999, granting Kuwaiti nationality to the children of widows and mothers of martyrs;
- Amiri decree No. 271 of 2000, issued on 13 October 2000, granting Kuwaiti nationality to 279 individuals under article 5 of the Nationality Act;
- Decree No. 4 of 2000, granting Kuwaiti nationality to 14 individuals who were members of martyrs' families;
- Act No. 21 of 2000, promulgated on 3 June 2000, amends paragraphs 2, 3 and 4 of article 5 of the Nationality Act for the purpose of instituting equality in granting Kuwaiti nationality to the children of Kuwaiti women married to foreign husbands in cases where the husband is a prisoner, or has divorced the wife irrevocably, or is deceased.

92. The amendment provides that residence must be maintained until the child in question reaches the age of majority. It also provides that the Minister of the Interior may treat eligible minors in the same way as Kuwaiti citizens. Under the amendment, the year 1965 is set as the threshold date of residence in Kuwait for applicants for Kuwaiti nationality:

- Act No. 22 of 2000, promulgated on 3 June 2000, establishes the number of applicants who may be granted Kuwaiti nationality in the year 2000 under article 5(3) of the Nationality Act;
- Act No. 33 of 2004 amends article 7 bis of Amiri decree No. 15 of 1959, the Nationality Act. The amendment makes “justified residence” a prerequisite for the acquisition of Kuwaiti nationality. Justified residence is defined as ordinary effective residence for a period of not less than fifteen years before the date of promulgation of the Act. This ensures that Kuwaiti nationality is not granted to any person who does not have an up-to-date residence permit.

93. The Government has sought to address the problem of unlawful residents by enacting legislation that seeks to create solutions, crowned by Amiri decree No. 58 of 1996, which established the Executive Committee on Unlawful Resident Affairs. The Committee is tasked with devising solutions to this problem, having regard to its various humanitarian, security-related, social, cultural, economic, ethical, national and even international aspects and consequences, both now and in the future.

94. To address the situation of illegal aliens, the Committee is taking executive measures consistent with the general framework, principles, structure, standards and decisions adopted by the Cabinet in this matter, having regard to the requirements of the national interest, and is monitoring the implementation of previously issued Cabinet decisions relating to the group in question.

95. The State of Kuwait insists that the solution to this problem can emerge only from a comprehensive approach encompassing a solution to various problems and issues with a bearing on the sovereignty, security and stability of the State. Starting from the comprehensive framework adopted by Kuwait, a number of practical steps have been taken in an effort to arrive at a definitive solution that addresses the problem at its roots, one that is based on a number of key principles and elements, including in particular the principle that a valid legal situation with respect to work and residence in the country is an essential prerequisite for all non-Kuwaitis; respect for the law and the country’s sovereignty demand no less.

96. Under ministerial decree No. 779 of 2005, issued on 14 June 2005, a committee known as the Joint Committee on the Granting of Kuwaiti Nationality was established. The committee’s mandate was to study and scrutinize all applications for Kuwaiti nationality through the naturalization process as laid down in the provisions of articles 3, 5(a),(b) and (c), 7 *bis* and 8 of Amiri decree No. 15 of 1959, the Nationality Act as subsequently amended. The Committee’s membership includes the Secretary of the Executive Committee on Unlawful Resident Affairs.

97. The members of this group enjoy all forms of welfare, and they are not subjected to any form of racial discrimination, thanks to the firmly-rooted humanitarian, civilized principles that govern Kuwait’s dealings with all those who live in its fortunate territory. Indeed, Kuwaiti society has been shaped by a long history filled with humanitarian initiatives, open-handed generosity, and willingness to provide aid and succour to those in need throughout the world. With its humanitarian, Islamic and national traditions, and taking into account the right of all those living within its borders to human dignity, Kuwait has translated its principles into reality by allowing the children of unlawful residents employed in State ministries to be educated at public schools on the same footing as their Kuwaiti counterparts and with the same rights and duties. Moreover, a charitable fund was established in 2003 to subsidize education. The fund, which is overseen by the Ministry of Education, the Public Foundation for Endowments and the Executive Committee on Unlawful Residents Affairs, provides for the education of the children of employees in other sectors. In 2008-3009, a total of 20,096 such children were provided with an

education, at a total cost of \$15 million. With regard to health care, a charitable fund was set up for the children of unlawful residents in need, serving more than 60,000 beneficiaries at a total cost of \$6,320,000.

98. As will be clearly seen from the foregoing discussion, the Government of Kuwait has not been slow to offer a helping hand to this group, providing it with assistance in all areas, and not subjecting it to discrimination of any kind, in accordance with the provisions of articles 2 and 5 of the Convention.

#### **4. The right to own property**

99. The right to own property, alone as well as in association with others, is guaranteed for all citizens of both sexes. There are no legal obstacles or barriers to the right to own property. Previous reports have documented the legislative guarantees of that right, which is enshrined in Kuwait's statutory instruments and fully protected, and consequently inviolable.

#### **5. The right to freedom of peaceful assembly and association**

100. The right to freedom of peaceful assembly and the right to form and belong to associations is safeguarded by Kuwait's Constitution and laws. Act No. 24 of 1962, the Public Benefit Clubs and Associations Act, was adopted in keeping with the State's belief that civil society institutions are social partners in all activities which promote and give effect to freedom of expression and opinion and help to disseminate a culture and awareness of citizenship rights and social solidarity. The Act furthermore expresses the State's faith in the important role of these associations in promoting human rights and raising public awareness. As of the end of October 2009, there were 140 such associations with separate legal personality and objects of various kinds. These associations can be grouped as follows:

- Occupational associations (18);
- Women's associations (5);
- Associations for persons with special needs (8);
- Charitable associations (10);
- Charities with a specific object (67);
- Sociocultural associations (29);
- Arts associations (3).

101. Over the past financial year, the State has provided these associations with over \$17 million in the form of annual subsidies for their participation in regional and international conferences and meetings.

102. Moreover, there is a tendency for the competent authorities to announce the establishment of new public benefit associations, on the principle of providing opportunities for all sectors actively engaged in or wishing to embark on voluntary humanitarian service work, supplementing the activity of civil society.

#### **6. The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, and to equal pay for equal work**

103. Kuwait has taken a number of measures aimed at securing more safeguards for workers. In the first place, there have been a number of amendments to the Private Sector Employment Act enabling every immigrant worker to change his residence permit from one sponsor to a different one without the consent of the original sponsor, but only after a

specified period of time. This privilege has been made available under Ministerial Decree No. 179 of 2009, which provides that the worker may change to a different sponsor in place of his original sponsor after three years have elapsed. Kuwait has taken these measures out of respect for and compliance with the various human rights instruments dealing with them. Similarly, in adopting the new Private Sector Employment Act, which was passed by the National Assembly at its second reading on 23 December 2009, replacing the previous Act (Act No. 38 of 1964), Kuwait's legislature set out to establish a public body charged with organizing labour force affairs in general, and guest worker affairs in particular, with a view to regulating the recruitment and employment of workers in the private sector and eliminating the negative effects resulting from the sponsorship system.

## **7. The right to form and join trade unions**

104. The right to form trade unions and participate in their activities is safeguarded under the Constitution and laws of Kuwait. Under article 43 of the Constitution, freedom to form unions on a national basis and by responsible means is guaranteed in accordance with the conditions and in the manner specified by law. The Kuwaiti legislature has thus safeguarded that right for all individuals, whether Kuwaiti or non-Kuwaiti, with no distinction as to origin, race or nationality. Moreover, every individual may join such a trade union of his own free will, without restriction or compulsion. The Private Sector Employment Act (Act No. 38 of 1964) applies this constitutional principle in its chapter 13, which regulates trade unions, procedures for forming them, and conditions governing membership.

105. There can be no doubt that trade unions in Kuwait freely pursue their activities and work. They exercise their functions and practise their rights fully; they express their opinions by such means as they see fit. The law does not impose any restrictions on that right, except as provided under article 73 of the Act, which prohibits trade unions from engaging in political, religious or sectarian activities. The reason for this restriction is that a trade union is founded basically to defend workers' rights and interests within the workplace setting and to improve their financial and social situation, regardless of their nationality, religion or other factors.

106. Act No. 11 of 2003, an Act to amend certain provisions of the Private Sector Employment Act (Act No. 38 of 1964), was promulgated on 22 April 2003. Under the 2003 Act, article 69, paragraph 2, of the Private Sector Employment Act was amended to make its provisions applicable to employees and workers in the governmental and petroleum sectors, in so far as those provisions are compatible with other provisions of law governing their affairs.

107. Under the amendment, the right to form employers' associations and to organize trade unions is guaranteed for employees and workers in the governmental and petroleum sectors, whereas formerly that right had not been available to them.

108. In the light of this amendment, a number of new unions have been founded in conformity with the conditions set forth in the Act. Civil servants who have formed unions to date include the employees of the Ministry of the Interior, the Ministry of Trade and Industry, the Ministry of Justice, the Public Authority for Investment, the Public Authority for Applied Education, the National Council for Culture, Arts and Letters, the Kuwait Institute for Scientific Research, the Kuwait Ports Authority, the Public Authority for Housing Welfare, the Public Authority for Industry, the Kuwait Gulf Oil Company, the Kuwait News Agency, the Public Authority for Civil Information, the National Assembly Secretariat Employees Union, the Kuwait Petroleum Company, the Civil Aviation Employees Union, and finally the Public Authority for Minors Affairs Employees Union.

109. At the time of preparation of this report, Kuwait had 59 trade unions and 41 employers' associations.

110. In keeping with international trends in this area, Kuwait has ratified the relevant international conventions in the context of the International Labour Organization, namely:

- C87, the Freedom of Association and Protection of the Right to Organize Convention (1948);
- C144, the Tripartite Consultation (International Labour Standards) Convention (1976).

**8. The right to housing (fundamental aspects of equality among citizens and the welfare of Kuwaiti women in the provisions of law on housing welfare and regulations made thereunder)**

111. The State of Kuwait has enacted various laws aimed at eliminating all forms of discrimination against women. These include Cabinet Decree No. 1 of 1987, which provides that a Kuwaiti woman married to a non-Kuwaiti husband may continue, with her family, to occupy rented Government housing, despite the fact that they do not constitute a Kuwaiti family, and also that the head of the family (the husband) is responsible for providing suitable accommodation for his family. In such cases, accommodation is made available through the Public Authority for Housing Welfare.

112. Measures to secure families' welfare are taken in implementation of constitutional provisions. The Constitution describes the family as one of the fundamental constituents of society; indeed, in article 9 the family is stated to be "the cornerstone of society". Accordingly, the State is concerned with families and provides them with safe, appropriate housing.

113. It is true that Kuwaiti law in the area of housing welfare provides housing benefits for Kuwaiti families only. None the less, the State provides for benefits to widowed or divorced Kuwaiti women formerly married to non-Kuwaiti husbands, through the measures outlined below:

(a) Allocation of suitable Government housing (on a rental basis) for the above-mentioned groups of women, and also for families with numerous children in cases where the family breadwinner is dead or absent or where support is warranted on other grounds;

(b) Under articles 14, 15 and 35 of Act No. 47 of 1993, benefit is made available for women under certain conditions:

Article 14: The Public Authority for Housing Welfare shall provide suitable accommodation for the benefit of every Kuwaiti woman with a disability where she is married to a Kuwaiti citizen and has children by him;

Article 15: Special priority in respect of applications for housing welfare shall be given to the families of martyrs, orphans and disabled persons.

Article 33: A home ownership document shall be issued to the woman in the event of her husband's death, where there are no children.

(c) After the death of a Kuwaiti woman who has been allocated housing welfare benefit, the entitlement to the benefit is retained by her children, even where they do not possess Kuwaiti nationality. Every child may remain in the house until his or her marriage, or until he or she reaches 26 years of age, or until graduation where he or she is a student. It thus appears that the members of the woman's family, even though not possessing Kuwaiti nationality, are secure in their home, provided their mother was a Kuwaiti citizen;

(d) Under a decree issued by the Minister of State for Housing Affairs (No. 564 of 1993), the family of every woman with a disability is eligible for suitable housing benefit;

(e) Under Act No. 45 of 2007 (an Act to amend certain provisions of law governing housing welfare benefit), the Authority is currently proceeding with the establishment of a corporation to execute a housing unit construction project. Ten thousand units are to be built for eligible Kuwaiti women and other persons. This will be a state-of-the-art integrated services project;

(f) The Authority scrutinizes legislative amendments to the provisions of law governing housing welfare benefit in an effort to find legally valid means to the following ends:

1. Providing housing welfare benefit for Kuwait women who would otherwise not be entitled to it, specifically:
  - Where the woman is married to a non-Kuwaiti and has had children by him;
  - Where the woman has a disability, is married to a non-Kuwaiti and has had children by him;
  - Where the woman has children;
  - Where the woman is divorced and has children;
  - Where the woman has never been married and is in need of accommodation.

(g) Under Ministerial decree No. 752 of 2006, a committee to consider applications from women who are Kuwaiti citizens seeking Government houses or apartments for their own accommodation was established:

(h) The Authority works in cooperation with the National Assembly's Committee on Housing Affairs, committees on the status of women and committees on social affairs with competence in the following areas:

1. Monitoring status of women cases (as regards the particular aspect of the availability of suitable housing);
2. Action to develop a data base on cases and situations of women and their families with a view to making housing welfare benefit available to them;
3. Establishment of a documentation centre containing information on cases and grounds for eligibility in order to determine response priorities;
4. Monitoring all draft legislation and relevant draft recommendations;
5. Monitoring recommendations adopted by conferences with a bearing on women's rights, and detailed examination of any that fall within the competence of the Authority.

114. Kuwaiti women's rights in the matter of housing are set forth in the following statutory instruments:

- The Housing Welfare Benefit Act (Act No. 47 of 1993);
- The above-mentioned Housing Welfare Benefit Regulations (Ministerial Decree No. 564 of 1993);
- Regulations governing the issue of property titles to one spouse where the other spouse is deceased and there are no children (Ministerial Decree No. 470 of 1995).

## 9. The right to health care services

115. The State of Kuwait regards health care services and medical care as important matters. These services are available to all members of society, without distinction. The State ensures that they are provided free of charge to all Kuwaiti citizens and for nominal fees to non-Kuwaitis.

116. Illustrating the State's concern with health care services, the Government has expanded and developed various categories of them, both preventive and curative, and has encouraged the private sector to play its part, which it has done, primarily by building hospitals and medical centres. Some particularly noteworthy achievements in the area of health care, showing how service delivery has kept pace with needs, are outlined in the paragraphs below:

- New health care centres have been opened to reflect population distribution and the growth of communities; in addition, previously existing health care centres have been reopened after having been refurbished and re-equipped to meet primary health care service requirements;
- In every health district there are now some centres that remain open 24 hours a day;
- The Central Primary Health Care Directorate has been restructured with a view to the development of new work programmes that respond to users' service needs, thereby making optimal use of available resources;
- Training programmes for doctors working in primary health care are given priority by the Ministry of Health, which is the agency responsible for public health in the State of Kuwait. The training is delivered in the form of courses organized in response to doctors' needs, and is deemed to constitute continuing medical education;
- The services delivered by primary health care centres have been developed with a view to responding to the growing diversity of users' needs. These centres now include maternal health, diabetes, hypertension and anti-smoking clinics, wellness clinics, and gerontology clinics, besides continuing family medicine services, paediatric care, school health services, and dental clinics for persons with special needs;
- Establishment of an electronic file of persons who consult primary health clinics;
- The State has made a particular effort to provide a suitable environment for the private sector, hoping to attract private investment in the field of health care services. Accordingly, specialized health care centres to treat specific disorders have been founded with financial input from the private sector and a number of Kuwaiti individuals. In addition, a number of community clinics have been opened, and existing hospitals expanded.

117. As a further illustration of the State's constant concern for all persons residing within its territory, a charitable fund has been established to provide health care, free of charge, to all residents who need it. Under Act No. 1 of 1999, the Resident Aliens Health Care Insurance Act, the delivery of health care services to resident aliens is subject to supervision by the Ministry of Health. Private-sector employers are required to pay the fees for those services for their own employees and other persons for whom they are responsible. They are prohibited from collecting such fees from such employees or other persons.

118. The State's determination to ensure that guest workers receive health care free of charge or for a nominal consideration appears clearly from the new Private Sector Employment Act recently adopted by the National Assembly. Under the Act, every

employer is required to provide health insurance coverage for his workers. Employers have thus been relieved of the heavy financial burden of defraying their employees' health care expenditures directly.

119. The reason why the State of Kuwait provides citizens and residents with health care services free of charge is that such services are essential to maintain the life and health of individuals and society. They continue to be provided despite the various preventive methods now available, thanks to recent advances in medical science, and despite the fact that technological progress world-wide has greatly increased the cost of pharmaceuticals, modern medical equipment and consultations with physicians in various branches of the field, to say nothing of the increased costs resulting from population growth.

#### **10. The right to social security and social services**

120. As a general rule, Kuwait's social insurance system makes no distinction between women and men in terms of their rights and duties. In cases where a distinction is made, it is ordinarily for the benefit of the woman concerned ("positive discrimination") and justified on solid grounds. For example, a married woman or one who has children to support is entitled to a retirement pension earlier, in terms of her years of service and age, than her male counterpart, and earlier still where she is looking after a husband or child with a disability, because of her circumstances and the family burdens she has to bear.

121. In addition, where the father or mother is dead, the social security institution will pay each daughter a "marriage grant" to help defray the expenses associated with marriage. Sons, for their part, do not enjoy a similar entitlement. Furthermore, a widow may always retain her share of her late husband's estate and any other benefits to which she may be entitled in addition to her own earnings or retirement pension.

122. Upon the death of a wife, her pay entitlement is distributed among her dependants, including her husband and children, creditors, and her brothers and sisters, where the requisite conditions are met. The institution also pays a death benefit to expedite the liquidation of her family's affairs until the formalities associated with termination of her pension are completed. Women are treated on an equal footing with men in this respect.

123. The State of Kuwait's development and social care systems are used to provide social assistance to all those who need it, as outlined below:

- Under the Constitution, citizens are entitled to social security and social assistance in old age, sickness, or inability to work (article 11). Act No. 61 of 1976, the Social Security Act (the legislative authority for the Public Authority for Social Security, which applies the Social Security Regulations) was enacted to give effect to this constitutional provision. Kuwaitis employed in the Government sector or the private sector are entitled to social security coverage.
- As regards social services, the State of Kuwait has broken new ground in the area of social services, especially in cases involving groups needing special care, such as the elderly and persons with disabilities, pursuant to article 11 of the Constitution. With respect to care of the elderly in particular, Act No. 11 of 2007, the Senior Citizens Care Act, enshrines many social care principles and includes various provisions aimed at ensuring that members of that group receive optimal care and protection, including in particular:
  - Shelter care: all services are provided around the clock. A total of 35 individuals have received this type of care;
  - Day care: this is a service for the benefit of another group of elderly people who live with their families but receive services provided at the institution, such as physiotherapy;

- Home care: this is considered to be a model of the services that are provided free of charge. It includes health, psychological and social aspects, equipment and financial support, with emphasis on the interrelationship between the family and society, with the elderly person living with his or her own family. The State, represented by the Ministry of Social Affairs and Labour (Senior Citizens Care Directorate) provides care for elderly people in their homes. In 2009, a total of 2,516 elderly people received this type of care. The Directorate has team of trained physiotherapists who visit senior citizens in their homes free of charge; there were over 10,000 such physiotherapy sessions in 2009.
- Proximate care: a follow-up system for providing guidance and counselling in cases that have been left to institutions;
- Legal care: is available to senior citizens under the guarantee of legal care provided by Kuwaiti law. It covers cases of incapacity, providing a deterrent to inappropriate behaviour toward the elderly. The Senior Citizens Care Act provides that a person may be appointed to be responsible for the care of an elderly person; that person may be one of his or her immediate family or other relative, and is entrusted with power of attorney in respect of his or her financial affairs. The Act also makes provision for penalties if the person with power of attorney is found to have neglected his duties.

125. It is noteworthy that the State of Kuwait's experience in the field of elder care has been internationally acclaimed, and many other States have sought to benefit from it. In providing various forms of elder care through the Ministry of Social Affairs and Labour, the State demonstrates its concern to provide a natural social environment for senior citizens, and thus to integrate them as one of the fundamental components of society.

126. In addition to the foregoing, State institutions, most notably the Ministry of Social Affairs and Labour, provide citizens with financial assistance where warranted by their situations. This is one aspect of the State's responsibility for providing a life of dignity for families and individuals who are unable to meet their own needs, including in particular widows and divorced women. The State has also developed a public assistance system, amending the Public Assistance Act to make provision for an adequate standard of living.

127. In addition to the governmental social services described above, there are a number of other agencies that provide effective supporting services in society. Some of these are listed in the paragraphs below.

#### *Beit al-Zakat*

128. Beit al-Zakat was founded on 16 January 1982, and has pursued its charitable activities ever since. It occupies a leading, pioneering position in the field of *zakat* (Islamic charitable tax), providing financial and in-kind assistance to needy persons, and also providing health care insurance coverage through a dedicated charitable fund and supporting other charitable associations and institutions. In addition, it provides external services, such as adoptions for orphans, and supports other Islamic institutions. Beit al-Zakat has contributed to social development. Through its charitable work at the highest levels, it fosters a spirit of solidarity and mutual understanding among the individuals who make up society, and thereby promotes stability and advancement.

129. Beit al-Zakat has garnered many awards as a result of its unstinted generosity. It has headed the list of reform accomplishments by governmental institutions and agencies, and it has won the Bahrain Prize for humanitarian work by Gulf Cooperation Council States. It has also won the Jaber Prize, which is awarded to independent governmental agencies.

*World Wastiya Centre*

130. The World *Wastiya* (“middle ground” or “moderation”) Centre has its headquarters in Kuwait. It houses the Higher *Wastiya* Promotion Committee, which was established by Kuwait’s Cabinet, and its aims are as follows:

- (a) To build a well-rounded Muslim personality that is protected against both excess and laxity;
- (b) To realize intellectual and social security in human societies;
- (c) To introduce the concept of *wastiya*, define its content, establish its standards, develop proposals for appropriate programmes, and strengthen it in Kuwaiti society in particular and in the Islamic community in general;
- (d) To define the concepts of excess and unrestraint and identify their manifestations and causes;
- (e) To contribute to the preservation of the national identity of Kuwaiti society with its Islamic and Arab aspects;
- (f) To develop a balanced approach to the upheavals and disasters of contemporary life, which have been created and sustained through legislation;
- (g) To develop a plan for a society that reflects the content and overall purposes of the Shari‘a, one that will be an organic outgrowth from our roots, yet relevant for our present-day reality.

131. The Centre relies on a strategy of changing the culture of society to strengthen *wastiya*. It works to that end along a number of lines, which are outlined below.

Education

132. The concept of *wastiya* has been propagated in school curricula and activities, both directly through oral exposition aimed at fostering awareness of it and its practical implications for the various aspects of everyday life, and also indirectly, through behaviour and choices that express *wastiya* and awaken desire for it and encourage others to walk in its path, through the example of historical personalities, world leaders and symbolic social figures who command respect and esteem in the eyes of young people, and accounts showing the various aspects of their distinctive stature in terms of their thought and behaviour illustrating *wastiya*.

Culture

133. The Islamic world possesses important cultural tools, and those tools should be used as means of promoting awareness of the culture of *wastiya* and its implications. Every such cultural tool should be used in the way appropriate to its nature and the level of the target public. No cultural tool should be neglected so long as there is an audience for it. In this connection, it is important to focus on the cultural tools that are favoured by children and young people or attract their attention, inasmuch as those are the primary target groups.

The media

134. The various media should be enlisted in the promotion of *wastiya* as a way of life and behaviour. All available means should be used to guide individuals and society toward *wastiya* and encourage them to avoid thought, behaviour or action based on excess, extremism, inflexibility or immoderation, or on negligence, indiscipline, peer imitation or indifference. The aim here is to present examples to serve as intellectual models that are regarded as desirable and can be gladly adopted in life, especially where these are historical

or contemporary Islamic figures. A variety of media programmes should be presented that reflect *wastiya* in public and private behaviour and its positive effects in improving the circumstances of life and generating a climate appropriate for peaceful coexistence among all groups in society.

#### Social action

135. This consists in preparing and shaping the Muslim family and training it for the task of furnishing a sound family environment in which the children will learn Islamic patterns of thought and behaviour that are informed by *wastiya*, inasmuch as the family is their first and most important school, where young people develop their characteristics and their habits of thought. Specialists in educational matters confirm the incalculable importance of a child's first seven years of life for his or her emotional development.

136. This presupposes, of course, that *wastiya* constitutes the context for the family's life, thinking and behaviour. The family will be constantly aware of it, accepting it and content with it, and will function within its framework. It will be guided by Islamic thought, culture, information and education, all of which are shared with other institutions in the Islamic world that are concerned with family affairs. All the energies of *wastiya* will be mustered to provide and buttress support for the Muslim family in moulding its thought and actions and providing its members with assistance in dealing with any problems or overcoming any obstacles that they may encounter.

### 11. The right to education

137. Education in Kuwait is based on the principle of equality, equal opportunity and democracy. Accordingly, human rights have become part and parcel of teaching and learning. All the articles of the Constitution and provisions of law relating to education attest this principle.

138. Certainly Kuwaiti women have not been subjected to discrimination in the past. However, we find that today they have been able to achieve the highest levels of advancement in the fields of work, education and participation. At the 2009 legislative elections, there were four women who won seats in the National Assembly, and there are two women cabinet ministers. Women are particularly prominent in the Ministry of Education, which boasts a woman minister, a woman deputy minister, two women assistant deputy ministers and four women heads of directorates), and there are a number of women department heads in other ministries as well.

139. Under article 40 of the Constitution, education is declared to be compulsory and a right of all Kuwaitis without discrimination. The Compulsory Education Act of 1965 made education compulsory for all, boys and girls alike.

140. Statistics on education indicate that more girls are enrolled than boys. The table below presents the numbers of girls and boys enrolled at school according to statistics for 2008-2009:

<i>Level</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>%</i>
Kindergarten	19 813	21 119	40 932	51
Elementary	63 841	66 267	130 108	51
Intermediate	53 560	55 317	108 877	51
Secondary	28 001	35 498	63 499	56
<b>Total</b>	<b>165 215</b>	<b>178 201</b>	<b>343 416</b>	<b>52</b>

## Article 6

141. An entire chapter (Chapter V) of Kuwait's Constitution is devoted to the judicial power. Article 166 reads as follows: "The right of recourse to the courts is guaranteed to all people. The law lays down the procedures and conditions for the exercise of this right." Article 163, for its part, states that "In administering justice, judges are not subject to any authority. No interference whatsoever is allowed with the conduct of justice. Law guarantees the independence of the Judiciary and states the guarantees and provisions relating to judges and the conditions of their irremovability." This illustrates determination of the State of Kuwait to protect human rights, guarantee the right to have recourse to the courts within its territory, and strengthen the right to seek redress for damage suffered through civil action for compensation.

## Article 7

142. In the first place, it will be useful to note that the general issue of the framework for the protection and enhancement of human rights has been discussed under section (b) of the Core Document. The measures taken by Kuwait to strengthen human rights concepts and disseminate global human rights principles, such as providing training since 2006 and establishing the Supreme Human Rights Committee, which works to propagate awareness of human rights through the various media, were there described. Various governmental agencies provide ample training in this area. The Ministry of the Interior, for example, sets curricula for trainees at police institutes and colleges, covering the relevant articles of the Convention and provisions of domestic law dealing with human rights issues. In order to ensure that all concerned persons, including examining magistrates in particular, are well informed in the matter, these agencies encourage them to take high-level training courses periodically to enable them to apply the law and protect human rights more effectively.

143. One such course, organized in cooperation with Johns Hopkins University in the United States, was held at the Institute of Judicial and Legal Studies in Kuwait. Another was an intensive training course that was given in Bahrain, under the supervision of the International Organization for Migration (IOM), for employees of the guest workers' shelter established by Kuwait. The course was also attended by specialists from the Ministry. The participants considered a variety of experiences relating to the effort to eliminate trafficking in persons. At the present time, a further training course is being organized, under the supervision of the IOM, for police officers and shelter employees; the course will deal with various relevant aspects of the field.

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