



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial reports submitted by Kuwait under article  
35 of the Convention, due in 2015\***

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## I. Introduction

1. The State of Kuwait is honoured to submit its first report to the Committee on the Rights of Persons with Disabilities, pursuant to article 35 (1) of the Convention on the Rights of Persons with Disabilities and in accordance with the guidelines issued by the esteemed Committee. Having acceded to the Convention on the Rights of Persons with Disabilities on 14 February 2013, the State of Kuwait affirms its commitment to the substance and goals of the Convention. In this report, we shall explain the measures taken by Kuwait to implement the provisions of the Convention.

2. Kuwait attaches considerable importance to the rights of persons with disabilities and has gone to great lengths to meet their needs and ensure that they enjoy in full the rights that guarantee them a decent life and effective participation in building Kuwaiti society. These efforts have been crowned by enforcement of the rights of persons with disabilities and involving them in a range of political and professional activities. Indeed, persons with disabilities now occupy senior positions in the State.

3. Some 52,820 persons are registered as disabled with the Public Authority for the Disabled. Of these, 46,040 are Kuwaiti and 6,780 are non-Kuwaiti of various nationalities. The following table shows the number of non-Kuwaitis, according to September 2015 statistics:

**Table1**

<i>Nationality</i>	<i>No.</i>
Afghan	13
Albanian	3
American	37
Austrian	1
Australian	5
Bahraini	142
Bolivian	2
Brazilian	1
British	5
Cameroonian	2
Canadian	30
Chadian	2
Danish	4
Dominican	3
Dutch	1
Egyptian	1 191
Emirati	7
Eritrean	21
Illegal resident	1 972
Indian	205
Iranian	173
Iraqi	165
Jordanian	314
Lebanese	228
Liberian	8

<i>Nationality</i>	<i>No.</i>
Moroccan	9
Omani	130
Pakistani	119
Palest*inian	68
Qatari	2
Saudi	1 199
Somali	41
Slovakian	1
Sudanese	7
Swedish	3
Syrian	602
Tunisian	4
Yemeni	60
<b>Total</b>	<b>6 780</b>

4. This report consists of three parts, as follows:

- Part 1: Introduction;
- Part 2: Core document, consisting of (a) general information on the State of Kuwait; (b) the general framework for the protection and promotion of human rights; and (c) information relating to non-discrimination, equality and available means of redress;
- Part 3: Measures taken by Kuwait to implement the Convention.

5. The report has been prepared by a national committee responsible for the preparation of Kuwaiti reports to international human rights agencies. This committee is chaired by the Ministry of Foreign Affairs, with a membership consisting of several government bodies namely, the Ministry of Justice, Ministry of Interior, Ministry of Social Affairs and Labour, Ministry of Health, Public Authority for the Disabled, Public Authority for Youth and Sport, Ministry of Education and Public Authority for Manpower. The committee organized two consultation meetings with relevant Kuwaiti non-governmental organizations, on 24 March and 15 June 2015.

## **II. Core document**

### **A. General information on the State of Kuwait**

#### **Demographic, economic, social and cultural features**

6. Kuwait is located in the north-western corner of the Arabian Gulf between latitudes 28°45" and 30°05" and longitudes 46°30" and 48°30". Arabic is the official language and Islam is the religion. It has a total surface area of 17,818 square kilometres and a population of 3,448,139 inhabitants (1,159,787 Kuwaitis and 2,288,352 non-Kuwaitis). Kuwait is a member of the Cooperation Council for the Arab States of the Gulf, League of Arab States, Organization of the Islamic Conference and United Nations.

7. On the economic front, Kuwait is one of the world's major oil producers and exporters and a founding member of the Organization of the Petroleum Exporting Countries. Given its geographical location in the desert region, Kuwait has a continental-

type climate characterized by long, hot and dry summers and short, warm and sometimes rainy winters.

8. On the basis of social indicators, Kuwait is regarded as a developed country. In 2013, the rate of natural increase was 53.517 per cent and in 2015 the illiteracy rate had fallen to under 2 per cent. The rate of enrolment in public education has risen to 80 per cent at kindergarten level, 97 per cent at primary level, 94 per cent at intermediate level and 82 per cent at secondary level. In addition, there is an increasing demand for higher education. Per capita income was KWD 12,405 (equivalent to USD 41,053) in 2014.

9. Kuwait is committed to the delivery of free health care at all levels as a human right, in accordance with articles 10, 11 and 15 of its Constitution. The country has a total of 95 primary health-care centres, six public hospitals and three specialist medical centres. Health services are delivered on a fair and equal basis to all individuals (citizens, residents, the aged, children, persons with special needs, women, young people, employees, etc.).

10. Kuwait takes a close interest in the right to education. Education has been provided free of charge at all levels from kindergarten to university since 1965 and is compulsory at primary and intermediate stages. Spending on education accounted for 9 per cent of the State budget in 2014. Furthermore, Kuwait takes an interest in the education of persons with disabilities by providing a full range of education services, integrating some into the public education system and establishing special schools for others.

### **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 stated in an explanatory note to the Constitution, the democratic system adopted is seen as a middle way between the parliamentary and presidential systems, indicating the embodiment of basic democratic principles. Kuwait's system of government operates on the constitutional principle of the separation of powers and cooperation between them.

12. One entire part of the Kuwaiti Constitution, which is divided into five chapters, is devoted to these powers. Chapter I states that legislative authority is vested in the Emir and the National Assembly, in accordance with the Constitution; that executive authority is vested in the Emir, the Cabinet and ministers; and that judicial authority is vested in the courts, which exercise it in the name of the Emir within the limits set by the Constitution.

13. Chapter II of the above-mentioned part of the Constitution deals with the powers of the Head of State, as follows:

(a) He exercises his powers through his ministers and appoints the Prime Minister, whom he may also remove from office;

(b) He is the Commander-in-Chief of the Armed Forces;

(c) He formulates implementing regulations to give effect to laws, as well as such regulations as are necessary for the organization of public departments and administrative bodies of the State;

(d) He appoints civil and military officials and political representatives to other States.

14. The Emir exercises other powers in addition to the above, namely:

(a) **Legislative authority:** Under article 79 of the Constitution, legislative authority is vested in the Emir 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 empowered under the Constitution to pass legislation. Chapter III of this part of the Constitution sets out the provisions relating to the legislative authority.

(b) **Executive authority:** Executive authority is vested in the Emir and the Cabinet, which controls State departments, formulates and oversees implementation of the general policy of the Government, and supervises the work of government departments. Each minister is responsible for supervising the affairs of his ministry, carrying out the

general policy of the Government and formulating and monitoring implementation of his ministry's policies.

(c) **Judicial authority:** Judicial authority is vested in the courts, which exercise it in the name of the Emir. The independence of the judiciary is guaranteed by the Constitution and the law. The underlying principle is that the honour of the judiciary and the integrity and impartiality of judges are the bases of governance and a guarantee of rights and freedoms. In administering justice, judges are not subject to any authority. The law guarantees the independence of the judiciary and the safeguards and provisions relating to judges. The Constitution specifically addresses judicial authority to ensure its independence.

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

15. At the outset, it should be noted that Kuwait is committed to a number of international human rights conventions, as follows:

<i>No.</i>	<i>Convention</i>
1.	Slavery Convention (1926);
2.	Slavery Convention (amended, 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 Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
10.	Convention on the Prevention and Punishment of the Crime of Genocide;
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;
17.	International Labour Organization Minimum Age Convention, 1973 (No. 138);
18.	International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182)
19.	Arab Charter on Human Rights;

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*No. Convention*

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20. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; ratified by Act No. 5 (2006) enacted on 27 March 2006.
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16. The Kuwaiti Constitution may be regarded as a political and legal umbrella for the rules governing human rights in Kuwait in general. Several of the country's laws pertaining to aspects of everyday life were enacted before the promulgation of the Constitution with the object of ensuring justice for persons in Kuwait. Those laws include the Penal Code and the Code of Criminal Procedure, both of which date from 1960.

17. In view of the importance of human rights, most constitutional provisions enshrine the internationally recognized principles set forth in the relevant international instruments. The establishment of the Constitutional Court pursuant to Act No. 14 (1973) has further served to safeguard these rights and freedoms and ensure their effective application.

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

Rights and freedoms figure prominently in the Kuwaiti Constitution and most of its articles contain explicit provisions relating thereto. These include:

- Article 6, stating that the people are the source of all authority and sovereignty inheres in the nation;
- Article 7, making reference to justice, equality and freedom;
- Articles 9 and 10, affording protection for the family, motherhood, childhood and young people;
- Article 11, extending care and social security to citizens who are elderly, sick or unable to work;
- Article 13, guaranteeing free State education;
- Article 14, nurturing science and the arts and encouraging scientific research;
- Article 15, affirming the right to health care;
- Articles 16 and 17, enshrining the right of individuals to own property and safeguarding the inviolability of public property;
- Article 18, enshrining the inviolability of private property and stating that it may not be expropriated save in the public interest, under legally specified circumstances and on condition that fair compensation is paid;
- Article 26, concerning the right to hold public office.

#### **Human rights principles covered by part III of the Constitution**

18. This part focuses on public rights and duties and contains many of the principles enshrined in international human rights instruments, as illustrated by the following:

- Article 27, under which citizenship may be forfeited or withdrawn only within the limits prescribed by law;
- Article 28, stating that no Kuwaiti may be expelled from the country;
- Article 29, enshrining equality and non-discrimination on grounds of race, origin, language or religion and stating that all citizens are equal before the law in respect of public rights and duties;
- Article 30, enshrining personal freedom; article 35, freedom of belief; article 36, freedom of opinion and scientific research; article 37, freedom of the press, printing and publishing; article 38 freedom of private life and residence; article 43, freedom of communication by post, telegraph and telephone, and freedom to form associations and trade unions; and article 44, the right of assembly;

- Article 31, stating that no individual may be arrested, imprisoned, tortured or compelled to reside in a specific place, restricted in his freedom, place of residence or movement or subjected to torture or degrading punishment;
- Article 32, stating that there can be no crime or punishment save as provided by law;
- Article 34, stating that an accused person is presumed innocent until proven guilty by a court of law where the right to a defence is safeguarded;
- Article 40, enshrining the right to free education at all levels and making primary education compulsory;
- Article 41, affirming the right to work;
- Article 46, prohibiting the extradition of political refugees;
- Article 48, exempting persons with low incomes from taxation.

#### **Principles covered by part IV of the Constitution**

19. The five chapters comprising this part explain the foundations of the system of governance in Kuwait and define the three powers with their respective prerogatives and functions. The principle of the separation of powers is enshrined in article 50. Chapter 5 sets out important fundamental principles regarding the judiciary and states that the integrity of the judiciary is the foundation which underpins governance and guarantees rights and obligations. The following principles are affirmed:

- Independence of the judiciary and immunity of judges (art. 163);
- Right of legal redress (art. 164).

20. Established pursuant to Act No. 14 (1973), the Constitutional Court has sole authority to interpret the text of the Constitution and settle disputes relating to the constitutionality of laws, legislative decrees and regulations. Rulings of the Constitutional Court are binding on all other courts. In 2014, Act No. 109 (2014) was passed, strengthening the right of resort to the Constitutional Court by allowing persons the right to appeal directly the unconstitutionality of laws and regulations before the Court.

#### **Higher Committee for Human Rights**

21. Within the regulatory framework of human rights and for the purpose of establishing general principles, a ministerial decree was issued in 2008, providing for the establishment of a Higher Committee for Human Rights, the functions of which are:

- (a) Fostering awareness of human rights through the various media, holding seminars and talks and conducting studies on human rights;
- (b) Endeavouring to incorporate basic human rights concepts into the curricula in both general and higher education.

22. The passage of Act No. 67 (2015) resulted in the transfer of all the responsibilities of the Higher Committee for Human Rights to the National Bureau for Human Rights.

### **III. Measures taken by the State of Kuwait to implement the articles of the Convention**

#### **Article 1: Purpose of the Convention**

23. In accordance with the wish of the State of Kuwait for there to be no discrimination between human beings, article 29 of the Constitution stipulates: *People are the same in respect of human dignity and equal before the law in public rights and duties. There shall be no discrimination between them on grounds of race, origin, language or religion.*

24. To provide further State protection, Act No. 8 (2010), concerning the rights of persons with disabilities, was promulgated. This consists of 72 articles, covering all

stipulated rights, without discrimination or segregation, on a basis of equality with the able-bodied, in accordance with their condition and abilities. All rights will be dealt with in the context of each article of the Convention in the course of the report.

25. Consistent with the definition of “persons with disabilities” adopted by the Convention, Act No. 8 (2010) defines a disabled person as: a person suffering from a permanent partial or total disorder, resulting in deficiencies in his/her physical, mental or sensory abilities that may prevent him/her from securing the necessities of life or participating fully and actively in the community on an equal basis with others. Note that work is underway on amending several of the definitions adopted in the Act.

## **Article 2: Definitions**

26. Act No. 8 (2010) defines the terms appearing in article 2 (“Definitions”) of the Convention with the same meaning and uses them in the same context. Thus:

- “Communication” includes languages, display of text, Braille and tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including information technology;
- “Language” includes spoken and signed languages and other forms of non-spoken languages;
- “Discrimination on grounds of disability”: all rights-related articles in Act No. 8 (2010) have been formulated on the basis of justice, equality and non-discrimination (these will be discussed in the context of subsequent articles);
- “Reasonable accommodation” (called “necessary accommodation” in the Act) is explained as the necessary and appropriate adjustments and arrangements required in a specific situation to ensure the enjoyment and exercise by persons with disabilities of all human rights and fundamental freedoms on an equal basis with others;
- “Universal design” means the design of public and private buildings and facilities, as well as products, programmes and services, suitable for use by persons with disabilities.

## **Article 3: General principles**

27. Act No. 8 (2010) is based on the same general principles as the Convention itself, including:

- Respect for the dignity of persons with disabilities;
- Non-discrimination and integration in society of persons with disabilities, ensuring equality of opportunity with others;
- Making the necessary accommodation to ensure full access to opportunities and services;
- Ensuring gender equality;
- Respecting the capacities of children with disabilities by educating and training them in a manner appropriate to the type and degree of disability.

## **Article 4: General obligations**

28. With Act No. 8 (2010), Kuwait met all the demands of article 4 of the Convention, specifically the following:

- The Act embodies the most important general commitments of the Convention, covering all the legislative, administrative and procedural aspects required to enforce

the civil, political, economic, social and cultural rights of persons with disabilities, as these are stated in the Convention (to be discussed under subsequent articles).

- Article 6 of the Act affirms that the Government is committed to taking all effective administrative and regulatory measures to ensure that State development plans and programmes and the Government's action programme include all current and future services needed by persons with disabilities.
- Act No. 8 (2010) affirms that persons with disabilities are equal to others, without discrimination, in accordance with the condition and abilities of each individual. Article 14, for example, affirms that governmental and non-governmental bodies are obliged not to reject the appointment of disabled candidates without good reason (which shall not include disability).

## **Article 5: Equality and non-discrimination**

29. The principle of equality is one of the core principles on which the Kuwaiti Constitution is based and there is no doubt that the aforementioned article 29, which refers to the principle of equality, implicitly includes persons with disabilities.

30. The principle of equality is affirmed by all the articles of Act No. 8 (2010). However, it is explicitly mentioned in article 1 (5), under the definition of "necessary accommodation".

31. Article 4 of the Act also embraces the principle, affirming that, taking their special needs into account and making the necessary accommodation, the Government delivers well-organized, integrated and uninterrupted services for persons with disabilities on an equal basis with others. These include:

- Preventive, medical and rehabilitation services, psychotherapy and genetic counselling prior to marriage and before and during pregnancy;
- Social and psychological services;
- Educational and cultural services at all stages, including preschool and kindergarten, commensurate with the physical, mental and sensory capabilities of persons with disabilities;
- Sport and recreational services;
- Housing services, in accordance with Act No. 47 (1993), concerning housing welfare;
- Transport services;
- Vocational and practical training; employment services.

32. Other areas may be introduced by decision of the Authority.

33. Article 48 (15) stipulates: *Ensuring equality of opportunity and non-discrimination in respect of rights on the basis of disability; drawing upon the experience of other countries in caring for persons with disabilities and ensuring their rights; and cooperating with rights agencies to provide ways of supporting, caring for, training and rehabilitating persons with disabilities.*

## **Article 6: Women with disabilities**

34. The Kuwaiti legislature guarantees women, including those with disabilities, full rights. This is affirmed by several articles of the Constitution, including:

- Article 7: *Justice, liberty and equality are the pillars of society; cooperation and compassion are the strongest bonds between citizens.*
- Article 8: *The State safeguards the pillars of society and ensures security, tranquillity and equal opportunities for citizens\*.*

- Article 9: *The family is the bedrock of society. It is founded on religion, morality and patriotism. The law shall preserve the integrity of the family, strengthen its bonds and take motherhood and childhood under its protection.*
- Article 29, which indicates the State's wish to embed this system in Kuwaiti society so that each individual enjoys the same rights and duties without discrimination.
- Seeking to empower and develop them to the fullest, Kuwait has incorporated women, including women with special needs, in its development plans. An example is the medium-term development plan (2015/16–2019/20), in which the advancement of women is one of the core themes.

## 1. Economic empowerment of Kuwaiti women

35. Women make up over half (approximately 50.9 per cent) of the Kuwaiti population. The following table shows the development of the key indicators of women's economic empowerment in the period 2010–2014:

Table 2

### Development of the key indicators of women's economic empowerment (2010–2014)

<i>Indicator</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Percentage of female public sector employees	44.8	44.2	44.4	45.0	45.7
Percentage of female private sector employees	50.5	51.1	51.6	51.4	50.7
Percentage of women in subministerial leadership positions	7.6	9.9	15.1	20.0	23.0

36. Significant achievements in this area include:

- Tangible, qualitative progress in levels of female involvement in economic activity and the labour market, with 47 per cent of Kuwaiti women participating in the labour market in 2014. This is due to the increased enrolment of Kuwaiti women in education and entry of a new generation of educated women into the labour market, as well as the impact on the economic situation of the family.
- Growing participation of Kuwaiti women in the labour market, with women making up 45.7 per cent of public sector employees and 50.7 per cent of private sector employees in 2014.
- Women held 22.5 per cent of all subministerial leadership positions in 2014.
- The entry of Kuwaiti women into the judiciary, following issue of a ministerial decree appointing 62 prosecutors of whom 22 were female.

## 2. Social empowerment of Kuwaiti women

37. Kuwait seeks to empower women in a number of fields, including:

### (a) Educational empowerment:

38. Kuwait has for a long time been working to achieve the Millennium Development Goal of gender equality, requiring removal of gender disparities in pre-tertiary education by the beginning of 2005 and in all stages of education by the beginning of 2015.

Table 3

### Key gender equality indicators in education in Kuwait (2011–2014)

<i>Year</i>	<i>Total rate of enrolment in primary education</i>	<i>Total rate of enrolment in secondary education</i>	<i>Total rate of enrolment in higher education</i>
2010/11	1.08	1.31	1.64
2011/12	1.09	1.31	1.55
2012/13	1.10	1.33	1.53

<i>Year</i>	<i>Total rate of enrolment in primary education</i>	<i>Total rate of enrolment in secondary education</i>	<i>Total rate of enrolment in higher education</i>
2013/14	1.10	1.36	1.54

39. The above table shows the following:

- Timely action on closing the gender gap in education, as one of the Millennium Development Goals. Enrolment rates of Kuwaiti females at all stages of education, particularly secondary and higher education, are higher than those for males and this has helped Kuwait to achieve gender equality in education in advance of the deadline of the beginning of 2015 for achieving the Millennium Development Goal.
- Kuwait has achieved first place globally in the access to education indicator (one of the indicators of a narrowing gender gap), based on rates of enrolment in secondary and higher education. This is a reflection of the importance Kuwait attaches to providing Kuwaiti women with full educational opportunities.

(b) *Health care:*

40. Women enjoy all the health services delivered by the State, particularly primary care, which is free of charge. The following table shows woman and child health indicators in the period 2009–2013.

Table 4  
**Woman and child health indicators (2009–2013)**

<i>Indicator</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Infant (< 1 year) mortality rate	10.7	8.7	8.3	7.7	7.6
Child (< 5 years) mortality rate per 1,000 births	12.6	10.3	9.5	9.0	9.2
Maternal mortality rate	12.4	5.2	10.3	1.7	6.7

41. The data in the above table indicate:

- The achievement by Kuwait of the fifth Millennium Development Goal (to improve maternal health) some ten years in advance of the deadline;
- A positive development in reducing rates of childhood mortality, both infant (below the age of 1 year) and child (below the age of 5 years).

(c) *Social security for Kuwaiti women:*

42. Kuwait is a pioneer in the field of social solidarity, particularly in relation to social groups needing special care, such as the elderly and handicapped, as well as Kuwaiti women. This is in implementation of article 11 of the Constitution, which stipulates that the State shall ensure aid for citizens in old age, sickness or in the event of inability to work.

43. Kuwaiti women enjoy a comprehensive system of social security and care. This system is designed to protect them against poverty, in particular, given that it is the woman who bears the heaviest burden of responsibility for the family in the event of the death, separation or incapacity of the husband.

Table 5  
**Increase in the numbers of those entitled to social assistance (2010–2013)**

<i>Category</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Widows	1 520	1 499	1 513	1 858
Divorcées	11 588	11 463	11 608	11 942

<i>Category</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Women married to illegal residents	3 222	3 675	3 918	3 821
<b>Total</b>	<b>16 330</b>	<b>16 637</b>	<b>17 039</b>	<b>17 621</b>

44. The indicators show:

- A 7.9 per cent increase in the number of women entitled to social assistance in the period 2010–2013; assistance is directed at the most deserving groups namely, divorcées, followed by women married to illegal residents and, lastly, widows.
- Qualitative evolution of the benefits system by boosting the capacity of Kuwaiti women and their families to raise income levels. The Ministry of Social Affairs and Labour has applied a new philosophy in respect of service provision, involving the adoption of human capacity building programmes designed to transform groups in receipt of benefit – particularly women – into productive groups.
- The creation of 19 community development centres, aiming to make proper use of available human and material resources in the regions in order to serve citizens, as well as to train and raise the capacity of Kuwaiti women in appropriate occupations and prepare them for the workplace, while providing for the welfare of productive families

(d) *Housing welfare:*

45. The Government has established a housing fund to support certain groups of women, including divorcées, widows, unmarried women and women married to non-Kuwaitis. The fund sets easy terms for women to obtain housing rights so that no Kuwaiti woman is denied the right to a home, regardless of domestic or social situation or age.

Table 6

**Kuwaiti women's growing access to housing loans (2011–2013)**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Women benefiting from housing loans	25	222	230

46. The above table shows an increase in the number of women benefiting from housing loans from 25 in 2011 to 230 in 2013. Furthermore, the National Assembly approved a rise in the women's housing loan to KWD 70,000 to reduce the pressure on women and ensure them suitable accommodation.

(e) *Political empowerment:*

47. The year 2005 was a watershed in the advancement of Kuwaiti women. At a historic session on 16 May of that year the National Assembly ratified an amendment to article 1 of the Elections Act, No. 35 (1962), granting Kuwaiti women full rights to vote and stand as candidates in elections. This was followed in the same year by the appointment of the first female minister. Furthermore, two women were appointed to membership of the Municipal Council, representing the culmination of the advancement of Kuwaiti women over long decades of challenge and gain.

**3. Goals and policies for women's welfare and empowerment in the 2015/16–2019/20 development plan**

(a) Nurturing and developing the capacities of Kuwaiti women:

1. Review and update of all legislation relating to Kuwaiti women's issues in order to remove all forms of discrimination against women without compromising the principles of the Islamic Sharia;

2. Promote social, economic and occupational capacity-building programmes for women to ensure domestic and psychological stability, implement training programmes to improve women's capabilities and foster their participation in public life, provide services for working women and encourage and support small-scale enterprises run by women;

3. Create an institutional mechanism to protect women from all forms of social and domestic violence by creating, in collaboration with the relevant government agencies, a national centre to combat domestic violence and protect and support women.

(b) Fostering the societal empowerment of Kuwaiti women:

1. Empower Kuwaiti women and widen the scope of their participation in society by boosting their occupation of economic, social and political decision-making positions.

### Article 7: Children with disabilities

48. Pursuant to its constitutional principles, Kuwait seeks to provide care for children. Article 9 of the Constitution states: *The family is the bedrock of society; it is founded on religion, morals and patriotism. The law shall preserve the integrity of the family and, under its aegis, strengthen its bond and protect motherhood and childhood*, while article 10 stipulates: *The State shall watch over the young and protect them from exploitation and from moral, corporal and spiritual neglect*.

49. Act No. 8 (2010), concerning persons with disabilities, provides a secure and extensive foundation for the protection of children with disabilities. The Act contains articles that guarantee disabled children their full rights and oblige government agencies to provide them with comprehensive care without discrimination. For example, the Public Authority for the Disabled is responsible for:

- Providing educational services for disabled children from the age of 3 upwards;
- Training severely handicapped children to ensure their integration in society; training is conducted by special rehabilitation organizations with the costs borne by the Public Authority, in accordance with articles 9, 10 and 12 of Act No. 8 (2010);
- Ensuring the rights of disabled children by developing their capacities and skills and promoting their integration in society.

50. Under article 29 of Act No. 8 (2010), the Public Authority for the Disabled pays a monthly allowance to ensure that children with disabilities enjoy a decent life. The allowance is KWD 185 (the equivalent of USD 617) in the case of mild disability, KWD 225 (USD 750) for moderate disability and KWD 277 (USD 925) for severe disability, and is paid up to the age of 18 (26 for those who continue their studies). The amount of KWD 2,629,997 (USD 8,766,657) is disbursed each month and some 10,536 disabled persons benefit.

- The right of expression is guaranteed under the Constitution to all, including persons with disabilities. Article 36 stipulates: *Freedom of opinion and scientific research is guaranteed. Subject to the conditions and provisions specified by law, every person shall have the right to express his opinion in speech, writing or otherwise*.
- To ensure that children are supervised, cared for and protected, the Ministry of Health issued Ministerial Decree No. 1116 (2013), forming a higher committee to protect children from abuse and neglect, chaired by the undersecretary of the Ministry of Health and with membership consisting of the Community Police Department attached to the Public Security Sector (Ministry of Interior). The committee is responsible for protecting all children, both able-bodied and disabled, who are suspected of having been abused or neglected.
- The Ministry of Education has enshrined the right to expression in the school curriculum, which seeks to develop the social skills of children with disabilities

through dialogue and free discussion, thereby giving them the opportunity to express themselves individually and collectively. All of this comes under the heading of “the right to expression”.

51. Kuwait has promulgated Act No. 21 (2015), on protection of the rights of the child. This contains numerous provisions guaranteeing the protection and rehabilitation of disabled children, including:

52. Article 58: *The State guarantees to protect children from disability and from any action that might damage their health or physical, intellectual, spiritual or social development. The State shall take the necessary measures to ensure early detection of disability and to train and employ the disabled when they reach working age.*

53. *The State shall take appropriate measures to ensure the cooperation of the media in making programmes advising how to protect against disability, raise awareness of the rights of disabled children and enlighten the disabled and their carers on how to facilitate their integration in society.*

54. Article 59: *Children with disabilities have the right to enjoy special social, health and psychological care to increase self-reliance and facilitate integration and participation in society.*

55. *Children with disabilities have the right to receive education, training and vocational training in the same schools, institutes and training centres as able-bodied children, save in exceptional cases relating to the nature and degree of disability.*

56. In such exceptional cases, the State shall undertake to provide education and training in special classes, schools, institutes or training centres, as appropriate, providing the following conditions are met:

(a) That the school, institute or training centre is linked to the regular education system and the training/vocational training system for the able-bodied;

(b) That the school meets the needs of the disabled child and is near his/her place of residence;

(c) That the school provides a full education or training for all children with disabilities, regardless of age and degree of disability. The Ministry of Education shall register certain cases after conducting the appropriate tests.

57. Article 60 stipulates: *A disabled child shall have the right to rehabilitation, meaning the social, psychological, physiotherapeutic, educational and vocational services necessary to enable him/her and his/her family to overcome the effects of disability. The State shall deliver rehabilitation services and prosthetic devices free of charge.*

58. Article 61 stipulates: *The Public Authority for the Disabled shall establish the institutions and facilities needed to rehabilitate children with disabilities.*

59. The Authority shall issue licenses for the construction of these institutions and facilities under the terms and conditions set out in the implementing regulation. The Ministry of Education shall establish schools or classes to teach children with disabilities in a manner commensurate with their abilities and aptitudes. The implementing regulation shall set out the terms of admission, the curricula and examination system.

60. Article 62 stipulates that the bodies referred to in the previous article shall, without charge or fee, award a certificate to each disabled child who has undergone training. The certificate shall, *inter alia*, state the occupation for which the child has been trained, as stated in the implementing regulation.

61. Article 63 stipulates: *The training bodies shall advise the Civil Service Bureau, non-governmental sector and oil sector to the effect that children with disabilities have been trained. The Bureau shall enter the names of the children who have been trained in a special register. The disabled child or person acting on his/her behalf shall receive confirmation of the entry free of charge.*

62. *The Bureau undertakes to help those who are registered as disabled to find work appropriate to their age and abilities and near to where they live. The employer must*

*provide the Public Authority for the Disabled with a monthly report on the disabled children in his employ.*

63. Article 64 stipulates: *The Director General of the Public Authority for the Disabled, the Civil Service Bureau, non-governmental sector and oil sector shall issue a decision determining the particular jobs in the administrative apparatus of the State and public authorities, organizations and corporations wholly owned by the State which have been reserved for children with disabilities who have obtained a certificate of training/rehabilitation, in accordance with the rules.*

64. Prosthetic and assistive devices, spare parts and the equipment for producing them and the means of transport essential for the use and rehabilitation of children with disabilities shall be exempt from all taxes and duties.

## **Article 8: Awareness-raising**

65. Kuwait has played an important role in raising society's awareness of persons with disabilities in several ways, for example:

- Promoting respect for the rights of persons with disabilities through the academic curricula, changing the stereotype of the disabled and viewing them as human beings and citizens with equal rights, stressing participation and integration in the educational process as one way of raising awareness and changing attitudes;
- Special education schools (e.g. Al-Amal and Al-Noor) hold seminars and workshops for teachers and guardians to raise awareness of the rights of children with disabilities and the role that each has in educating and training them through community participation;
- The Public Authority for the Disabled, which seeks to raise society's awareness of the rights of persons with disabilities which safeguard their human dignity. The Authority's efforts include:
  - Monitoring the most effective disability prevention programmes at local, regional and international levels;
  - Studying charters and agreements on schemes to prevent disability;
  - Formation of a prevention and counselling team to cooperate and coordinate with the appropriate bodies and the media in publishing leaflets and printed materials to help spread awareness among the public of persons with disabilities;
- In its annual plan to raise society's awareness of persons with disabilities, Kuwait has introduced two schemes:

### **1. Disability prevention scheme and early detection programme**

66. This is designed to:

- Protect against the most common diseases and other causes of disability in Kuwait;
- Raise society's awareness of possible ways of preventing the most common diseases and other causes of disability;
- Raise awareness of ways of limiting the impact and severity of disability;
- Formulate and adopt treatment protocols to minimize the severity of the most common types of disability;
- Put in place an integrated reproductive health programme for pregnant women to prevent disability and to detect it in new-born children at an early stage;
- Develop the concept of a unit within the Public Authority for the Disabled responsible for the prevention and early detection of disability;

- Develop the concept of the role of the relevant governmental bodies in improving reproductive health services to prevent disability.

## 2. Social integration scheme

67. This is designed to:

- Develop a clear procedural concept for the integration of persons with disabilities in Kuwaiti society;
- Clarify how persons with disabilities are to be integrated in various areas and highlight the obstacles to integration;
- Develop a procedural concept for each of the stages of integration of persons with disabilities and the responsibilities of governmental agencies for implementation.

68. Pursuant to article 8 of Act 8 (2010), on the rights of disabled persons, the Public Authority for Youth and Sport has organized a series of activities and programmes, including:

- Specialized workshops and awareness-raising and educational talks at youth centres, branches of the Youth Organizations Department and branches of the Sport for All Department;
- Awareness-raising campaigns designed to achieve the goals of article 8 (2) in all respects and covering the plans, programmes and activities of the above-mentioned youth centres and branches, each of which has its own budget allocation. Persons with disabilities are important to the Public Authority for Youth and Sport and these institutions and their activities are subject to evaluation. Several practical programmes have been developed that are consistent with the goals of article 8; these include:
  - The annual youth centres plan;
  - The annual Sport for All Department plan;
  - The annual Youth Organizations Department plan.

69. The Ministry of Information also has a major role to play in changing society's view of persons with disabilities, seeing them as deserving of integration, absorption and interaction rather than as objects of pity. It does this through the medium of short films and plays in which persons with disabilities can take part and which explain their rights and place in society. Importantly, this provides the disabled with active encouragement and makes the media a powerful tool of support.

70. To help convey the awareness-raising message, the Ministry of Information issued a circular stipulating that all live broadcasts and news programmes are to have a sign language interpreter to help keep the deaf and dumb informed of current events and the content of features and interviews. In addition, daily programmes are to contain features and reports aimed at persons with disabilities, highlighting their activities, skills, abilities and contributions to society and informing them of their rights.

71. The Ministry of Social Affairs and Labour also has an important contribution to make in raising awareness. Article 5, part II of the rules of procedure of the Department of Disabled Persons Welfare stipulates that:

- Social awareness of the issues of persons with disabilities is to be spread by the media, news bulletins and participation in conferences designed to help the disabled integrate in society;
- The fundamental role of the family in caring for children is to be supported by adopting systems of family counselling to instruct parents/guardians in better ways of looking after disabled children;
- It is worth noting that public welfare associations concerned with persons with disabilities make an effective contribution to spreading awareness. These associations include:

- The Kuwait Society for the Handicapped, founded in 1971, serves all categories of disabled persons inside the country free of charge, with the goal of reducing the burden on families, whom it counsels in the best way of educating and training their children and integrating them in society. In implementing these services, a group of volunteer trainers seeks to provide a suitably healthy community environment for the disabled.
- The Kuwait Blind Association, founded in 1972, aims to bring blindness out of the shadows by all possible means, including by inviting blind people to seminars and other forums designed to display their abilities and talents. The Association seeks to spread culture among the blind by means of audio books and books in Braille. It holds workshops to help develop the capacities of the blind and overcome the difficulties and obstacles they face. It also seeks to cement relations between its members and those of Arab and international associations.
- The Kuwait Autism Society, founded in 1994, aims to serve persons suffering from autism and support voluntary work in the community by promoting studies and research, encouraging and training those working with autistic children, training specialist teachers and providing competent and qualified Kuwaiti teaching staff to serve the autistic in Kuwait and help them overcome the behavioural difficulties associated with their condition.
- The Kuwait Society for Guardians of the Disabled, founded in 1998, seeks to reach out to the guardians of disabled persons, their associations and the outside world, exchanging experience and knowledge of developments in all aspects of disability and holding practical dialogue sessions at which speakers discuss their experience of dealing with their own children.
- The Kuwait Society for the Follow-up of the Issues of the Disabled, founded in 2003, is engaged in:
  - Receiving, classifying, distributing and following up cases;
  - Contacting public welfare associations (Bayt al-Zakat, al-Mabarrat, Patients Helping Fund, etc.) to provide financial and moral support for disabled persons’ issues;
  - Exchanging information between governmental and non-governmental bodies at official conferences and forums;
  - The Society’s most significant achievements are the formation of the National Assembly’s Disabled Affairs Committee and distribution of the “Document of Hope” to members of the National Assembly.
- There are many other associations in Kuwait concerned with the welfare of the disabled and their integration in society, including the Kuwait Association for Hearing Impairment, Kuwait Down Syndrome Society, Kuwait Association to Support the Disabled Child, Al-Ibdaa Culture and Arts Association for Persons with Special Needs and Federation of Physiotherapists for the Disabled.

## **Article 9: Accessibility**

72. Kuwaiti government bodies enable persons with disabilities to live as full and independent a life as possible by facilitating their access to and contact with the community in a manner commensurate with their needs without discrimination or exclusion. For example:

- The Public Authority for the Disabled coordinates with Kuwait Municipality – the body in charge of issuing building licenses – to ensure that no building is approved unless it has been designed to take into account the needs of persons with disabilities and is appropriate to the type and degree of disability, in accordance with article 1

(6) of Act No. 8 (2010). This applies to private residential buildings and public buildings, such as schools, workplaces and medical facilities, as well as private spaces for public use.

- The Authority coordinates with the Ministry of Interior (in the form of the General Department of Traffic) to ensure that no means of transport is licensed unless suitably equipped to meet the needs of persons with disabilities, in accordance with article 20 of Act No. 8 (2010).
- The Authority has contacted several bodies, including the Ministry of Information and the Communication and Information Technology Regulatory Authority, with a view to:
  - Enhancing its website with sign language content;
  - Implementing a project to automate digitally all Authority business, taking into account the needs of persons with disabilities;
  - Implementing the general design and buildings design project, which contains a digital element, as stipulated in Act No. 8 (2010). The project is in two parts:
    - (1) Matching buildings to the needs of persons with disabilities;
    - (2) Making use of technology to serve persons with disabilities.
  - Providing disabled persons service offices in government agencies, as stipulated in article 5 of Act No. 8 (2010).

73. The Ministry of Interior has allocated special parking spaces for the cars of persons with disabilities.

74. The Ministry of Interior, in the form of the General Department of Emergency Police, seeks to ensure that patrols:

- Provide all possible assistance and advice to persons with disabilities on the basis of instructions from the emergency police operations room;
- Prioritize persons with disabilities, in accordance with the degree of disability;
- Issue fines for unauthorized use of disabled persons' parking spaces, in implementation of Decree No. 653 (2013), which provides for the seizure of a vehicle found parked in a space reserved for the disabled. The following statistics show fines handed out by police patrols:

**Table 6**

2009	36 084
2010	38 678
2011	34 264
2012	37 127
2013	48 511
2014	45 663
1st half of 2015	39 374

75. The Ministry of Interior (General Department of Traffic) allocates offices for persons with disabilities when they come to renew a driving license, transfer vehicle ownership or conduct other business. Taking their needs into account, the Department allocates parking spaces for persons with disabilities near shopping malls and ministries to make their lives easier.

76. The Ministry of Interior (General Department of Service Centres) has allocated a service centre at the disabled club, providing the full range of Ministry services.

77. The General Department of Residence Affairs is allowed to grant families with a disabled member needing special care an entry visa for an additional domestic worker, on top of the number stated above, to care for the disabled member. This represents concrete expression of the Department's wish to make life easier for families with a disabled member.

78. The General Department of Airport Security provides a number of facilities for persons with disabilities, including:

- Special parking spaces at Kuwait International Airport;
- A special queue to avoid jostling and crowding;
- A special desk for the disabled to complete travel formalities;
- An agent on hand to help, if an excess baggage fee has to be paid;
- The Ports Security Sector seeks to meet the requirements and provide for the comfort of persons with disabilities by all possible means.

79. The Central Agency for Information Technology helps provide access to information for persons with disabilities via the online portal; this provides:

- Screen reading facilities for the visually impaired and the blind, using the Ibsar programme, supplied by the Sakhr Software Company, and JAWS (Job Access with Speech) programme;
- A special data entry page for persons with disabilities;
- Applications for smart hand-held devices, enabling mobile use of the portal's information services and electronic payment via the Ministry of Finance-administered *Tasdeed* payment system;
- A telephone support service provided by the customer service centre to enable the blind and visually impaired to obtain the information they need with ease;
- Options to increase or decrease font size while browsing the online portal to facilitate access to information for the weak-sighted and visually impaired;
- The possibility of browsing the website in Arabic and English, thereby helping to facilitate access to information;
- The emergency numbers of government hospitals and private pharmacies in Kuwait to facilitate access in the event of emergency;
- Several information services for persons with disabilities, including social services (social loans, allowances for carer or driver etc.), education services (scholarships, grants, etc.), health care (prosthetic devices for the handicapped, oral and dental hygiene programme, etc.) and housing services, with priority given to persons with disabilities.

## **Article 10: Right to life**

80. As regards the protection and promotion of human rights, the right to life is, without question, the major priority of the State. This is affirmed by the Islamic Sharia and national constitutions, including the Kuwaiti Constitution, article 15 of which stipulates: *The State shall take care of public health and the means of preventing and treating diseases and epidemics*. This right ensures health for all, including those with disabilities, at the same time as it safeguards comprehensive care for motherhood and childhood, which are the key factors for human survival.

81. Alongside constitutional protection of the right to life in terms of health and social care, it is also protected under law, with severe penalties attached. The Penal Code, No. 16 (1960), protects the right to life: article 174 criminalizes abortion and articles 178–181 and article 184 criminalize kidnapping and abduction; article 158 criminalizes the act of aiding

someone to commit suicide, while article 159 imposes severe punishment on a woman who commits neonaticide.

### **Article 11: Situations of risk and emergencies**

82. Article 25 of the Constitution stipulates: *The State shall guarantee the solidarity of society in bearing the burdens arising from disasters and public calamities and shall guarantee compensation to those sustaining damage by reason of war or the performance of their military duties.* Accordingly, the State of Kuwait is anxious to provide protection and security for all citizens and residents.

83. In this regard, the Ministry of Interior provides numerous services and facilities for the population and special plans have been formulated to ensure the safety of the disabled in times of emergency and disaster. The General Department of Civil Defence – established by Legislative Decree No. 21 (1979), concerning civil defence and covering the measures designed to protect and ensure the safety of civilians, ensure the integrity of communications and protect government buildings and private property in the event of emergency and natural disaster and in times of peace – holds training courses for the staff of institutions which teach persons with special needs and the disabled (i.e. the visually, hearing, motor or mentally impaired). The Department also formulates public safety requirements for establishments and organizations, including:

- Installing round door handles, as other types might be used by the blind for hanging clothes;
- Removing obstructions from corridors that might hinder the movement of the disabled and place them at risk;
- Installing alarms and warning systems in buildings occupied by the hearing impaired that operate by means of light signals; raising the awareness of the disabled thereof;
- Emphasizing the importance of emergency exits designed to suit persons with special needs;
- Forming emergency teams and civil defence committees in enterprises to look after the disabled in the event of fire (evacuating the disabled if elevators stop working and conveying them to assembly points);
- Designing ramps at the entrance and exit of buildings used by persons with special needs.

84. Talks, courses and coordination meetings focusing on persons with special needs are held with the Ministry of Social Affairs and Labour, Department of Disabled Persons Welfare, Vocational Training Centre for the Disabled, Ministry of Education-affiliated special education schools and Public Authority for the Disabled.

85. The purpose of the above is to reach agreement on:

- Determining assembly points for buildings occupied by those with special needs;
- Procuring and organizing the distribution of food, water and basic needs for persons with special needs in the event of public disaster or war. In such cases, the General Department of Civil Defence shall coordinate with the staff of institutions for persons with special needs to convey them to the nearest place of safety or shelter, as determined by the Higher Committee for Civil Defence. Civil defence operates around the clock and there is a special telephone number (184000) for reporting incidents.

### **Article 12: Equal recognition before the law**

86. Persons with disabilities have a universally recognized legal personality, based on two core principles. The first of these relates to their capacity as citizens, in as much as the Constitution guarantees them the same rights as others, as affirmed by several articles,

including the aforementioned article 29, which states that people are equal in respect of rights and duties, including equality before the law. Similarly, article 7 stipulates: *Justice, liberty and equality are the pillars of society; cooperation and compassion are the strongest bonds between citizens*, while article 8 affirms equality of opportunity between citizens without discrimination. The second principle relates to their capacity as disabled persons with their own legal personality. Thus article 46 of Act No. 8 (2010) stipulates: *A disabled person shall be given a disability card, guaranteeing that he/she enjoys the services and benefits provided under this Law.*

87. There is no doubt that these two principles affirm equality and non-discrimination for persons with disabilities in all aspects of life, including legal capacity and rights, without exception or exclusion.

88. Alongside constitutional affirmation of the right of equal recognition, there are numerous pieces of national legislation guaranteeing this right. These include the following articles of the Civil Code, No. 67 (1980):

- Article 9 stipulates that an individual's legal personality commences from the moment of live birth and terminates upon death, with due regard to the demands of the law in respect of missing and absent persons;
- Article 107 stipulates that, if a person suffers from severe physical incapacity, particularly if deaf and dumb, deaf and blind or blind and dumb, making it difficult for him/her to understand the conditions of contractual obligation or hard to express his/her will, the court may appoint a judicial assistant to help that person with such disposals, if it believes that his best interests will be served thereby. The decision to appoint a judicial assistant shall be made known by decision of the Minister of Justice.
- Article 108 stipulates that, unless the court has permitted him/ her to conclude a disposal unilaterally, any disposal for which judicial assistance has been ordained shall be liable to cancellation if carried out by a disabled person without assistance after the decision providing for such assistance has been announced.
- Article 109 stipulates that, if a person cannot, due to physical condition or illness, conclude a disposal even with judicial assistance, the court may permit the judicial assistant to conclude it unilaterally, on that person's behalf, if failure to conclude would threaten the person's interests.

89. Article 16 of the International Covenant on Civil and Political Rights states: "Everyone shall have the right to recognition everywhere as a person before the law". Note that article 70 of the Kuwaiti Constitution stipulates: *The Emir shall conclude treaties by decree and communicate them immediately, accompanied by the relevant details, to the National Assembly. After conclusion, ratification and publication in the Official Gazette, the treaty shall have force of law.* Accordingly, article 16 of the International Covenant on Civil and Political Rights is held to be a part of national law.

90. In affirmation of their legal personality, Kuwait safeguards the right of persons with disabilities to all forms of ownership, in accordance with custom. This is confirmed by the Constitution and national legislation, as follows:

- Article 16 of the Constitution stipulates: *Property, capital and labour are the mainstays of the State's social integrity and national wealth. They are all individual rights with a social function regulated by law;*
- Article 17 stipulates: *Public property is inviolable and its protection is the duty of every citizen;*
- Article 18 stipulates: *Private property is safeguarded. No-one shall be prevented from disposing of his property within the limits of the law. No-one shall be dispossessed save for the public good in the cases stated and the manner described in law, with the proviso that he receive fair compensation. Inheritance is a right governed by Islamic sharia;*

- Article 19 stipulates: *Public confiscation of property is prohibited and only by court judgement, in the cases stated in law, can the punishment of private confiscation be imposed.*

### **Article 13: Access to justice**

91. The right of resort to litigation in Kuwait is guaranteed to all. Article 166 of the Constitution stipulates: *The right to litigation is guaranteed to all. The law shall determine the procedure and conditions necessary for the exercise of this right.* There can be no doubt that this article applies to persons with disabilities, with the exception of the mentally disabled on whose behalf an agent is appointed to act before the courts.

92. The State of Kuwait seeks to train those who work with persons with disabilities and ministry officials who look after their interests. For example, in order to promote and ensure justice, the Education and Training Sector of the Ministry of Interior runs several training courses on the administration of justice for members of the police force.

### **Article 14: Liberty and security of person**

93. Numerous articles in the Kuwaiti Constitution guarantee absolute personal freedom without limitation or restriction, including:

- Article 30: *Personal liberty is guaranteed.*
- Article 31: *No-one may be arrested, imprisoned, searched, have his residence determined and his liberty or movement restricted save in accordance with the provisions of the law.*
- Article 35: *Freedom of belief is unrestricted and the State shall protect the freedom to observe religious rights in accordance with custom, on condition that this does not violate public order or offend decency.*
- Article 38: *The home is inviolable and may not be entered without the occupier's permission save in cases determined by law and in the manner stipulated therein.*
- Article 39: *The freedom of postal, telegraphic and telephone communications is safeguarded and their confidentiality guaranteed. Accordingly, messages may not be censored or their contents divulged save in the cases stated in law and in accordance with the procedures stipulated therein.*

94. If a disabled person is deprived of liberty as a result of legal process, he shall be guaranteed the same rights as others before the law. Thus Act No. 17 (1960), the Code of Criminal Procedure, affords a large number of safeguards, including the following:

- Article 60: *Under no circumstances may an arrested person be held for more than 48 hours without a written order for preventive detention.*
- Article 69: *If the investigation department believes that the suspect must be held in preventive detention to prevent him from absconding or influencing the course of the investigation, he may be held in preventive detention for not more than ten days from the date of arrest.*
- Article 72: *The investigator may, at any time, decide to release a suspect from detention, if he believes that detention is no longer justified and that release will not compromise the investigation.*
- Article 158: *A suspect may not be made to swear an oath or be coerced or enticed into giving answers or making specific statements by any means whatsoever. A suspect's silence or refusal to answer a question may not be interpreted as an admission of guilt and it is not permissible to hold it against him. He may not be punished for false testimony in relation to statements made in self-defence.*

95. Persons with disabilities subjected to these procedures receive special treatment, taking into account their health and psychological condition. For example, to ensure their

freedom and personal safety, special areas may be set aside for them and they may be provided with means of transport and mobility.

### **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

96. Kuwait rejects all forms of torture and cruel treatment. This is affirmed by its laws and legislation. As such, Kuwait acted promptly to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pursuant to Act No. 1 (1996).

97. Several articles of the Constitution ensure that personal liberty is not unlawfully restricted and seek to combat torture, inhuman and degrading treatment; these articles include:

- Article 32: *There is no crime and no punishment save on the basis of existing law; only acts committed subsequent to the law which provides for them coming into force can be punished.*
- Article 32: *Punishment is personal.*
- Article 34: *An accused person is innocent until proven guilty in a court of law that guarantees him the necessary safeguards to exercise the right of self-defence. It is forbidden to harm an accused physically or mentally.*

98. There are numerous general criminal stipulations and provisions which prohibit and criminalize certain acts, for example murder, injury, assault and battery and putting in harm's way. These include:

- The provisions and stipulations of articles 149–173 of the Penal Code, No. 16 (1960), for example:
  - Article 159: *Anyone who strikes, causes injury or bodily harm to or prejudices the physical integrity of another person in an appreciable manner shall be punished by a term of up to 2 years' imprisonment and/ or a fine of up to 2,000 rupees.*
  - Article 70: *In sentencing a public servant for a misdemeanour involving bribery or torture of the accused in order to extract a confession, the judge must suspend the employee from his position for not less than a year and not more than five years.*
- The following articles of the Penal Code, No. 31 (1970), affirm these principles:
  - Article 53: *A public servant or employee who has himself or by means of another person tortured an accused person, witness or expert to get them to confess to a crime or to make statements or provide information about a crime shall be sentenced to a term of imprisonment .... If torture results in death, the punishment shall be that for murder.*
  - Article 56: *A public official, employee or person charged with public service who exploits his position by using force against others in such a way as to violate their honour or cause physical suffering shall be sentenced to a term of imprisonment.*

These articles and punishments apply to everyone, including persons with disabilities, to ensure their freedom and protect them from torture and other forms of cruel treatment.

- Likewise, Act No. 8 (2010) affirms the dignity of persons with disabilities and stipulates that they must not to be subjected to torture or degrading treatment by those responsible for caring for them. Article 61 stipulates that any person responsible for the care of a disabled person, regardless of the source of the obligation, who neglects his duties, fails to do what is necessary to carry out these duties or fails to honour his obligations shall be sentenced to a term of imprisonment of not more than one year and/or a fine of KWD 1,000.

- Part VII of the implementing regulation includes articles providing for the protection of persons with disabilities under the care of the Ministry of Social Affairs and Labour. For example:
  1. Paragraph 16: Staff working with child and adult residents undertake to accept cases as they are and not as they should be. They must exercise patience and self-control, particularly in difficult situations.
  2. Paragraph 18: Staff undertake to work on the basis of accepted professional, social, psychological, educational and religious ethics and to put the interests of residents before personal interest.
  3. Paragraph 19: Staff working with persons in care undertake to safeguard the dignity of residents and not ridicule, mock or abuse them.
  4. Paragraph 20: Staff working with persons in care undertake to give those who are able the right to express themselves, converse and take part in activities and programmes appropriate to the situation and the job.
- Paragraph 36: When implementing a programme or activity, the technical and administrative staff of each home shall undertake to train individuals in care. This shall include psychological and spatial training. Resources and tools shall be provided to help implement the programmes inside and outside the home, bearing in mind the importance of coordinating and scheduling implementation with the competent bodies.
- Part VIII, article 20 of the implementing regulation gives the Department the right to contact the Legal Affairs Department of the Ministry and other State bodies, if the guardian of a disabled person under care is negligent or fails to cooperate, resulting in physical or psychological harm to the disabled person. Examples include the following:
  - If a disabled person is assaulted during home visits, causing bodily harm;
  - If a disabled person's guardian refuses to accept the disabled person after rehabilitation and final discharge from the care home for integration in society;
  - If the guardian is unable to provide full health, psychological and social care;
  - If it is evident that he has been remiss, the care home has the right to summon a disabled person's guardian and offer counselling and advice.

### **Article 16: Freedom from exploitation, violence and abuse**

99. Act No. 8 (2010) requires the Public Authority for the Disabled and all government agencies, each in its own sphere of competence, to take the legislative and administrative measures necessary to protect persons with disabilities (arts. 5 and 6) and ensure that they receive an education (arts. 9 and 10). Furthermore, the Act requires the Psychological and Social Services Department to provide the disabled with social services. This requires the appointment of duly qualified supervisors to oversee the welfare of the disabled, record incidents in breach of the law that involve them, write reports on such incidents and forward them to the competent authorities, as stipulated in article 26 of Act No. 8 (2010).

#### *Protection of women*

- Protection of persons with disabilities is guaranteed under the Constitution and the laws in force in the State of Kuwait, including the following articles of the Penal Code, No. 16 (1960):
  - Article 159 stipulates: *Anyone who strikes, wounds, causes bodily harm to or prejudices the physical integrity of another person in an appreciable manner shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees.*

- Article 174 stipulates: *Anyone who gives or causes to give a woman, pregnant or otherwise ... or without her consent, harmful drugs or substances or uses force or other means designed to cause her to abort, shall be sentenced to a term of imprisonment of not more than ten years, to which may be added a fine of not more than KWD 1,000.*
  - Articles 178–185, on criminal punishment, deals with kidnapping, abduction and trafficking in persons.
  - Article 186, on sexual violence, stipulates that anyone who has sexual intercourse with a female without her consent, using coercion, threat or deceit, shall be sentenced to death or life imprisonment ....
  - Kuwaiti criminal law extends the scope of legal protection to women who are mentally retarded, insane or demented, under the age of 15 or lacking mental capacity. Thus article 187 of the Penal Code stipulates that anyone who has sexual intercourse with a female, without coercion, threat or deceit, knowing her to be mentally retarded or insane, under the age of 15 or lacking mental capacity for any other reason or who does not understand the nature of the act to which she is subjected or believes it to be legitimate, shall be sentenced to life imprisonment. Article 191 addresses similar issues.
100. The Code of Criminal Procedure, No. 17 (1960) contains several articles that protect women’s dignity in special cases; these include:
- Article 82, which stipulates that, in all cases, a woman may be searched only by a woman appointed by the investigator and the witnesses must be women.
  - Article 86 promotes the human dignity of women, stipulating that, if there are veiled women inside a house and the purpose of entry is not to arrest or search them, the officer in charge must ensure that they are treated according to custom.
101. Elsewhere, article 22 of the Private Sector Labour Law, No. 6 (2010), stipulates that it is not allowed to employ women at night. This is affirmed by Ministerial Decree No. 167 (2007), on the employment of women at night, issued by the Ministry of Social Affairs and Labour to ensure that women are not exploited and to protect their rights and human dignity.
102. As regards domestic violence, to which some married women may be exposed, article 126 of the Personal Status Act, No. 51 (1984), gives both spouses the right and freedom to seek a court ruling of separation on grounds of harm. It stipulates: *Either spouse, before or after the consummation of marriage, may seek separation on the basis of harm inflicted in word or in deed ....*
103. Article 10 of the Constitution stipulates: *The State shall watch over the young and protect them from exploitation and from moral, corporal and spiritual neglect.* This article constitutes a basis for the unqualified protection of children including, of course, children with disabilities.
104. Act No. 21 (2015), on the rights of the child, accords the disabled child special care and affirms that his/her rights are protected. It addresses the criminal protection of children by introducing legislation to guarantee that they are protected against being put in harm’s way. It meets society’s current demands and has the capacity to respond to changes that may arise in the future. Furthermore, it regulates the criminal treatment of those who assault children, stressing the protection of children from any sort of harm and imposing severe penalties on anyone who inflicts harm on them. It contains provisions to protect children from all forms of assault.
105. In affirmation of its concern for children, Kuwait ratified the international Convention on the Rights of the Child, pursuant to Decree No. 104 (1991), and the two Optional Protocols thereto, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, pursuant to Decree No. 78 (2004). The Convention and its Optional Protocols thus became an indivisible part of Kuwaiti law and, as such, their provisions apply to and must be upheld by all national and judicial bodies.

106. Other international instruments have also been ratified by Kuwait: the International Labour Organization Minimum Age Convention, 1973 (No. 138), International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by Act No. 5 (2006) adopted on 27 March 2006.

107. Regarding combating and eliminating child neglect, article 167 of the Penal Code, No. 16 (1960), stipulates: *A head of household who, being responsible for the welfare of a child under 14 years of age, fails to fulfil his obligation to provide the child with the necessities of life, which the child cannot provide himself, thereby causing death or harm to the child, shall be liable to the penalties prescribed in the previous article, taking into account whether or not the failure is deliberate, the intention of the offender and the gravity of the injuries.*

108. Regarding criminalization of the abduction and assault of children, article 179 of the Penal Code, No. 16 (1960), stipulates: *Whoever kidnaps a person who is insane or demented or less than 18 years of age by force, threat or deception shall be punished by imprisonment for a term of not less than 7 years and not more than 15 years. If the abduction is carried out with the intention of killing, inflicting harm upon, engaging in sexual intercourse with or violating the honour of the victim, forcing him/her into prostitution or extorting something from him or another, the penalty shall be life imprisonment.*

109. Regarding crimes of child abduction, article 183 of the Penal Code rules that the abduction, concealment or exchange of a new-born baby or attributing it to other than its true parents shall be punishable by a term of not more than 5 and not more than 15 years imprisonment.

110. To prohibit the sexual coercion or abuse of children, article 187 of the Penal Code stipulates that whoever has sexual intercourse with a female, without coercion, threat or deceit, knowing her to be mentally retarded or insane, under the age of 15 or lacking mental capacity for any other reason or who does not understand the nature of the act to which she is subjected or believes it to be legitimate, shall be sentenced to life imprisonment.

111. Regarding the prohibition of the sexual exploitation of children, article 192 of the Penal Code, No. 16 (1960), affirms the protection of the young against crimes involving violation of honour that may be committed against them. The article stipulates that any person who sexually assaults a girl or boy under the age of 21 shall be sentenced to a term of imprisonment ....

112. Article 200 of the Penal Code prohibits abetting the depravity or debauchery of anyone under the age of 18. The article stipulates: *Anyone who aids or abets a male or female person to commit acts of debauchery or prostitution by any means shall be sentenced to a term of imprisonment of not more than one year and/or a fine of not more than 1,000 rupees. If the victim is under 18 years of age, the punishment shall be a term of imprisonment of not more than two years and/or a fine of not more than 2,000 rupees.*

113. Kuwaiti law is keen to protect children and prohibit their involvement in armed conflict. Thus the Army Act, No. 32 (1976), stipulates that no-one under the age 21 may enrol as an officer in the army and no-one under the age of 18 may enrol as a non-commissioned officer or private. The Compulsory Service Act, No. 102 (1980), stipulates that military service is compulsory for all Kuwaitis aged 18 or over, although the provisions of this Act have been suspended. Accordingly, Kuwaiti law forbids enrolment in the army of anyone under the age of 18.

114. Act No. 8 (2010) contains a number of appropriate measures to promote the recovery by persons with disabilities of their physical, intellectual and psychological health and reintegrate them in society. These measures include:

115. Article 5: *The Government shall take all effective administrative measures and provide the necessary equipment to ensure that persons with disabilities enjoy their civil and political rights. The Government undertakes to make offices available to provide special services for persons with disabilities in all government institutions and bodies,*

*including a sign language interpreter for the deaf and assistant for the blind to ensure that they enjoy their rights on an equal basis with others.*

116. Article 6: *The Government undertakes to take all effective administrative and regulatory measures to ensure that State development plans and programmes and the Government's action programme include all current and future services needed by persons with disabilities.*

117. Article 7: *The Government undertakes to deliver preventive, counselling, therapy and rehabilitation services in all health centres across the country, taking into account the special needs of persons with disabilities. The Government also undertakes to reduce the causes of disability before and during pregnancy and after childbirth and to provide the disabled with medical treatment overseas, if necessary.*

118. Article 8: *The Government undertakes to provide trained, specialized medical and technical support staff to deliver therapy for persons with disabilities in all government health centres and hospitals across the country on an equal basis with others.*

119. *The Government undertakes to provide specialist teams to deliver health care and physiotherapy at home for persons with disabilities whose need for this kind of care is identified by a competent technical committee.*

120. Article 9: *The Government undertakes to provide educational services and teaching aids for persons with disabilities, as well as for slow learners and those with learning difficulties, on an equal basis with others, taking into account their special needs in terms of communication, language and necessary accommodation. The Government also undertakes to raise the competence of professional pedagogical staff and give them material and moral incentives.*

121. *The rights and needs of persons with disabilities, slow learners and those with learning difficulties shall be taken into account in all academic, vocational and accreditation tests conducted by public and private bodies. Adequate guarantees of the creation of a suitable environment to help them complete their education shall be given.*

122. *The Ministry of Education shall offer training courses for all staff of government schools to help them detect cases of learning difficulty and slow learning and enable them to deal with these cases on the basis of individual needs.*

123. *The Authority guarantees to pay the costs of assessment tests for slow learners and persons with learning difficulties, while the Ministry of Education guarantees to make special centres for these tests available from the date the Act comes into force.*

124. Article 10: *The Government shall take all the administrative and regulatory measures necessary to incorporate persons with disabilities, slow learners and those with learning difficulties within the educational and training curricula at all educational stages, in a manner consistent with their sensory, physical and mental capacities, to enable them to integrate in society, employment and production.*

125. Article 11: *The Government undertakes to allocate a proportion of the scholarship places and grants it awards for study inside and outside the country to persons with disabilities, under terms and conditions to be decided by the Authority in accordance with the type and degree of disability.*

126. Article 12: *The Government undertakes to provide training centres, workshops and rehabilitation centres for persons with disabilities in all governorates, as well as shelters for emergency cases, and to staff these with specialized technical personnel, within eight years of this Act coming into force.*

127. Article 13: *Together with the relevant body, the Authority shall determine the training and rehabilitation stages and conditions of admission to rehabilitation and training centres for persons with disabilities, as well as cases where exemption from certain conditions is allowed.*

128. *The Authority shall accredit vocational training certificates and register them with the Civil Service Bureau, manpower restructuring programme and administrative apparatus, which shall prioritize the appointment of persons with disabilities to certain*

*jobs and occupations, taking into account the rules for determining employment grade and the legally prescribed conditions of employment.*

129. Article 14: *Government, private sector and oil industry bodies employing at least 50 Kuwaiti workers undertake to employ a number of professionally qualified persons with disabilities representing not less than 4 per cent of their Kuwaiti workforce.*

130. *None of these bodies may refuse to appoint disabled candidates without acceptable reason, other than the candidate's disability.*

131. *The Government shall offer incentive programmes for employers who employ more than the fixed percentage of persons with disabilities and may provide material support to employers who exceed this percentage. The terms of support shall be announced by decision of the competent authority at the suggestion of the Authority.*

132. Article 15: *Employers shall identify suitable job vacancies for persons with disabilities and submit a regular report thereon every six months to the Civil Service Bureau, the Authority, manpower restructuring programme and administrative apparatus.*

133. *Employers must make the necessary accommodation and provide a disabled-friendly working environment to enable persons with disabilities to integrate at work.*

134. Article 16: *The Authority shall determine the measures necessary to guarantee that all forms of abuse of persons with disabilities are prevented.*

135. Article 17: *The State shall ensure the right of persons with disabilities employed in the public, private and oil sectors to enjoy promotion, employment benefits and bonuses. In this regard, those who excel shall be given priority.*

136. Article 18: *The Public Authority for Youth and Sport shall take the measures necessary to ensure that sports clubs, cultural centres and leisure centres across the country conform to international standards, with the goal of integrating the disabled in society.*

137. Article 19: *The Government seeks to encourage disabled sportsmen by giving them a level playing field in the form of incentive awards, full-time professional employment, the professional sports act and other benefits.*

138. Article 20: *Government and private bodies engaged in constructing buildings and facilities for public use shall adhere to the general design referred to in article 1 of this Act.*

139. Article 21: *In order to obtain a license, public transport vehicles and private vehicles for public use must be suitably equipped to accommodate persons with disabilities.*

140. Article 22: *The Authority shall take action to raise social awareness of the rights of persons with disabilities, which safeguard their human dignity. Such action shall include:*

- 1. Raising the awareness of and advising persons with disabilities and their families of their rights and duties under the Act and other legislation and of the services available to them;*
- 2. Developing educational, religious, life-skills and sports curricula to create a local environment that meets the needs of persons with disabilities;*
- 3. Organizing media campaigns and urging the media to present a positive image of persons with disabilities.*

141. Article 23: *The Ministry of Information undertakes to take the measures necessary to provide a sign language interpreter when broadcasting news bulletins, cultural programmes, sessions of the National Assembly and conferences, within two years from the date this Act comes into force.*

142. Part XI of a decree of the Ministry of Social Affairs and Labour contains the executive procedures for reporting and treating injuries sustained by residents inside care homes and in the course of outdoor activities:

- *The injury is recorded in the register of injuries, showing date, time and description;*

- The duty supervisor informs the nurse, who administers first aid then contacts the specialist;
- The physician carries out a medical examination and either treats the injury in-house or transfers the patient to hospital;
- The specialist informs the care home superintendent and the investigation office;
- The investigation office informs the family of the injured person and asks them to attend;
- The specialist writes a report, which is approved by the physician and sent to the Department;
- The cause of the injury is investigated and, if due to negligence or dereliction, the person responsible is held to account and punished.

143. Article 23 of the rules of procedure of the Department of Social Welfare stipulate that anyone caring for a disabled person shall give a written assurance and undertaking to comply with the instructions issued by the Department and not subject the disabled person to any form of torment or inflict harm in any way.

144. Kuwait believes in the principle of reciprocal treatment and that the members of society are equal in respect of all fundamental rights. Accordingly, any case of a disabled person, whether a citizen or not, being subjected to torture or harm shall be reported.

### **Article 17: Protecting the integrity of the person**

145. Protection of the integrity of a disabled person is guaranteed by the Constitution and other national legislation. Above all, this includes the right of a disabled person to life and freedom from torture, suffering and pain. Act No. 8 (2010) guarantees protection of the integrity of persons with disabilities in a number of ways, including:

- Allocation of parking spaces at public and private facilities for the cars of persons with disabilities;
- Distributing prosthetic devices to help the disabled live their lives safely; 9,392 beneficiaries have received hearing aids and 6,050 have received wheelchairs.
- Equipping cars for use by persons with disabilities, in a manner consistent with the level of motor disability, to ensure their safety;
- Designing disabled-friendly buildings to facilitate safe movement;
- Prioritizing persons with disabilities doing business with government agencies.

### **Article 18: Liberty of movement and nationality**

146. Liberty of movement and choice of dwelling is granted to everyone without restriction save by law. Article 28 of the Constitution stipulates: *No Kuwaiti may be deported from or prevented from returning to Kuwait.* Guaranteed by the Constitution, this right applies equally to persons with disabilities. As such, there is nothing to prevent persons with disabilities from travelling, visiting, choosing their place of residence and other forms of movement.

147. As regards a child's acquisition of nationality, the Kuwaiti Nationality Act, No. 15 (1959), adopts the principle applied in most legal systems around the world namely, that nationality is granted on the basis of right of blood, i.e. in accordance with the nationality of the father. Article 2 of the Act stipulates: *Any person born in or outside Kuwait to a Kuwaiti father shall be Kuwaiti.* A child may also acquire Kuwaiti nationality by right of soil. Thus article 3 of the same Act stipulates: *Kuwaiti nationality is acquired by any person born in Kuwait, whose parents are unknown. A foundling is deemed to have been born in Kuwait unless proven otherwise.* Accordingly, a foundling is held to be Kuwaiti by virtue of being born on Kuwaiti soil.

148. It should be noted that Kuwait expressed reservation to paragraph (a) of this article, concerning persons with disabilities having the right to acquire and change nationality and not be deprived of nationality arbitrarily or on the basis of disability.

149. Regarding registration of a child's name at birth, Kuwaiti legislation stresses the importance of the right to name and identity. Thus article 2 of Act No. 36 (1969), regulating the registration of births and deaths, stipulates that the competent health office must be notified of any birth in Kuwait within not more than 15 days from the date of birth. The notice must include the following information:

1. Date, (in both Hijri and Gregorian calendars), time and place of birth;
2. Sex of child;
3. Full name, age, nationality, religion, profession and place of residence of father;
4. Name, age, nationality, religion, profession and place of residence of mother;
5. Name, age, profession, capacity and place of residence of informant.

150. The registrar must sign the entry in the register. If he has not already signed the birth notice, the informant must also sign the register. The date of registration (in both Hijri and Gregorian calendars) and serial number of the entry must be noted in the register.

151. The information entered in the birth certificate reflects the child's identity, including sex, religion and parents' educational level. Identity is concrete and the law upholds it without prejudice or detriment. This applies to everyone born on Kuwaiti territory, whether Kuwaiti or non-Kuwaiti, including illegal residents.

### **Article 19: Living independently and being included in the community**

152. Kuwait provides housing welfare for entitled Kuwaiti families as follows:

- Housing options, in the form of houses and apartments which the Public Authority for Housing Welfare builds, allocates, distributes and issues the title deeds to, pursuant to the provisions of Act No. 47 (1993), on the housing welfare system, and decisions supplementary thereto issued in implementation of this Act;
- Housing options, in the form of real estate loans to purchase furnished homes or develop privately owned or government owned plots; loans are issued by the Kuwait Credit Bank in accordance with the rules and regulations in force.

153. Kuwaiti families are entitled to housing welfare in accordance with the provisions of Act No. 47 (1993), the aforementioned decrees and the general rule of priority based on the order in which applications for housing welfare are received. As an exception to the general rule, however, Act No. 47 (1993) introduced priority for certain groups, including the families of persons with disabilities.

154. Article 34 of Act No. 8 (2010), concerning the rights of persons with disabilities, stipulates that persons with disabilities and their families to whom, according to the report of the technical committee, the conditions for receiving housing welfare apply, are to be granted notional precedence in respect of housing welfare of not more than five years, depending on the type and degree of disability. In other words, persons with disabilities and their families enjoy a maximum of five years priority access to housing welfare over others (depending on the disability).

155. Under the Housing Welfare Act and associated regulations, a disabled person has the same right as any other citizen to obtain and take possession of an available housing option, whether provided by the Public Authority or Kuwait Credit Bank. If he obtains a housing option in the form of a government plot of land under the system of priority outlined above, he has the right to develop it to his own specifications, under the terms of the loan, and to obtain the title deeds thereto in accordance with customary terms and conditions. If he obtains a housing option in the form of a government apartment or house, the property will

have been designed by the Public Authority to include certain features that meet the requirements of persons with disabilities, including:

- Addition of space for an elevator;
- Installation of toilets on the ground and first floors with dimensions that meet the needs of the disabled;
- Interior passageways not less than 120 cm wide;
- Doors to toilets not less than 90 cm wide;
- In addition to the above, the main entrances to residential buildings must have ramps installed.

156. One of the advantages for disabled persons of a real estate loan to purchase a furnished house or develop a privately owned or government-owned plot is the expertise of the Kuwait Credit Bank in these types of loans.

157. The Public Authority for the Disabled has, pursuant to Act No. 8 (2016), taken practical measures to ensure the integration of persons with disabilities in society and provide them with a decent life. These measures include:

- Persons with disabilities and their families are granted notional priority in applying for housing welfare to enable them to obtain their own home; there have been 4,793 beneficiaries;
- In coordination with the Kuwait Credit Bank, a grant of up to KWD 10,000 (the equivalent of USD 33,124.32) is provided to furnish the house of a disabled person in a manner appropriate to the type and degree of the person's disability; some 27,820 disabled persons have benefitted;
- In coordination with the Public Authority for Housing Welfare, a Kuwaiti woman married to a non-Kuwaiti man and caring for a severely disabled child or spouse shall be granted a specially appointed property as a home. This relates to paragraph (a).

158. In relation to paragraph (b), Kuwait has taken the following measures:

- Payment of a monthly allowance to persons with disabilities under the age of 18 (26 for those in university education). The number of beneficiaries stands at 10,425 and the sum of KWD 2,629,997 (equivalent to USD 8,766,657) is disbursed each month.
- Payment of a disability allowance to persons with disabilities over the age of 18 who are unable to work. The number of beneficiaries stands at 8,457, with each receiving KWD 594 (equivalent to USD 1,962) every month, plus a married person's allowance and child allowance from the General Organization for Social Insurance.
- Payment of an allowance for domestic help or a driver for persons with moderate or severe disabilities. The number of beneficiaries stands at 22,030 and the sum of KWD 2,911,750 (equivalent to USD 9,705,833) is disbursed each month.

159. It should also be stressed that article 37 of Act No. 8 (2010) guarantees persons with disabilities the use of public services and facilities without charge. All government bodies apply this exemption.

## **Article 20: Personal mobility**

160. Kuwait has taken effective measures regarding the right of persons with disabilities to personal mobility. These measures include:

- The Public Authority for the Disabled provides essential prosthetic devices, appropriate to the type and degree of disability, free of charge to persons with disabilities;
- The State exempts rehabilitation equipment, prosthetic devices and vehicles equipped for use by persons with disabilities from all duties and taxes;

- Training courses are held for persons with disabilities and their families on how to use and maintain mobility devices;
- A scheme to improve the transport system has been introduced; this covers a number of services, including the provision of taxis by cooperative associations for the use of persons with disabilities and the adaptation of public transport buses.
- Notices for the disabled are placed in public places and businesses.

### **Article 21: Freedom of expression and opinion, and access to information**

161. Freedom of expression and opinion and access to information are among the freedoms guaranteed to all by the Kuwaiti Constitution, article 36 of which stipulates: *Freedom of opinion and scientific research is guaranteed. Subject to the conditions and provisions specified by law, every person shall have the right to express his opinion in speech, writing or otherwise.*

162. The Public Authority for the Disabled works in coordination with the Ministry of Information in running media campaigns to raise awareness, inform persons with disabilities and their families about their rights and duties, advise society how to deal with the disabled and provide sign language interpreters for TV programmes.

163. Furthermore, Kuwait Television produces programmes for persons with disabilities. It works in cooperation with the Kuwait Society for the Handicapped to produce a programme for the disabled that has helped to raise awareness of freedom of expression and access to information by providing sign language interpreters.

### **Article 22: Respect for privacy**

164. The Kuwaiti Constitution affirms respect for privacy and everything associated therewith, which is inviolable. Article 38 stipulates: *The home is inviolable and may not be entered without the occupier's permission save in cases determined by law and in the manner stipulated therein.* Article 39 states: *The freedom of postal, telegraphic and telephone communications is safeguarded and their confidentiality guaranteed. Accordingly, messages may not be censored or their contents divulged save in the cases stated in law and in accordance with the procedures stipulated therein.* It is clear from these two articles that respect for the privacy of persons with disabilities is guaranteed by the Constitution and that no-one has the right to violate it. This ensures the human dignity of the disabled and their fundamental right to privacy.

165. Affirming protection of the privacy of persons with disabilities, article 59 of Act No. 8 (2010) imposes severe penalties for tampering with or falsifying information. The article states that anyone committing any of the following acts shall be sentenced to a term of imprisonment of not more than 10 years and a maximum fine of KWD 2,000:

- Falsification of the disability card or using it in the knowledge that it has been falsified;
- Giving or submitting incorrect information to the competent body or concealing information with the aim of profiting unlawfully from any of the rights or benefits granted to persons with disabilities under this Law;
- Assisting an able-bodied person to impersonate a disabled person;
- Exploiting a position in the Authority for personal gain or the gain of someone with whom one has a direct or indirect relation.

### **Article 23: Respect for home and the family**

166. The right to marry and create a family is a basic human right, fundamental not only to the individual but also to society. Accordingly, article 9 of the Constitution stipulates:

*The family is the bedrock of society.* Accordingly, the right to marry and create a family is guaranteed to persons with disabilities on a basis of complete equality without discrimination.

167. A disabled person has the right to beget as many children as he wants without restriction or justification. No law prevents him from doing so; the only limitation is medical necessity, to safeguard the health of the mother. There is increasing awareness among persons with disabilities of issues of family and reproduction and of family relations in general and numerous educational and training courses have been held on these matters. Furthermore, sex education, reproductive health, child-rearing and proper family behaviour are subjects in the school curriculum.

168. There are no laws in Kuwait pertaining to fertility that distinguish between persons with disabilities and others.

169. To support the families of persons with disabilities, the Public Authority for the Disabled, in coordination with the Kuwait Credit Bank, awards a marriage grant equal to that received by their able-bodied peers, even if the wife is not Kuwaiti. The number of beneficiaries of this grant stands at 275.

170. It should be stressed that the fundamental rights of the child of disabled parents are accorded special protection. These include the right to live with, be looked after by and given a decent life by his/her parents. No-one has the right to separate him/her from his parents save on legal grounds.

171. If the child of disabled parents has no family or provider to look after him/her, the Ministry of Social Affairs and Labour assumes this role and will look after the child and provide for his/ her daily needs.

## **Article 24: Education**

172. All Kuwaitis without exception, including persons with disabilities, have the right to education. This is evident from the following articles of the Constitution and several laws:

- Article 13 of the Constitution stipulates: *Education is a cornerstone for the advancement of society; the State shall guarantee and nurture it.*
- Article 40 of the Constitution stipulates: *Education is a guaranteed right for Kuwaitis.*
- Article 1 of Act No. 11 (1965), on compulsory education, amended by Act No. 25 (2014) affirms that education shall be compulsory and free for all Kuwaiti children, male and female, from the beginning of the primary stage to the end of the intermediate stage. The State undertakes to provide school premises, books, teachers and all the human and material resources necessary to ensure the success of compulsory education.
- The Compulsory Education Act affirms that, if they cannot be taught in general education schools, the disabled are to be educated in special schools. Article 4 states that a child is excused compulsory education if he/she suffers from a physical or mental impairment that prevents him/her from regular attendance at a special education school or equivalent educational institution for those with special needs established by the Ministry of Education. Article 5 stipulates that children subject to compulsory education may be educated in a private school as long as the education offered is equivalent to that in compulsory education schools.
- Note the following articles of Act No. 8 (2010), on the rights of persons with disabilities:
  - Article 9: *The Government undertakes to provide educational services and teaching aids for persons with disabilities, as well as for slow learners and those with learning difficulties, on an equal basis with others, taking into account their special needs in terms of communication, language and the necessary accommodation. The Government also undertakes to raise the*

*competence of professional teaching staff and give them material and moral incentives.*

- Article 10: *The Government shall take all the administrative and regulatory measures necessary to incorporate persons with disabilities, slow learners and those with learning difficulties within the educational and training system at all educational stages, in a manner consistent with their sensory, physical and mental capacities, to enable them to integrate in society, employment and production.*
- Article 11: *The Government undertakes to allocate a proportion of the scholarship places and grants it awards for study inside and outside Kuwait to persons with disabilities, under terms and conditions to be decided by the Authority in accordance with the type and degree of disability.*

173. It will be clear from the above that the right to education for persons with disabilities is a State priority, based on the core pillars of availability, empowerment and improvement. Kuwait's concern with educating the disabled began in 1955 and since then the number of schools and learners has increased substantially. The following table, based on statistics for school year 2012–2013, shows this:

**Table 7**

<i>School</i>	<i>Number of schools</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Al-Raja	6	283	226	509
Al-Noor	4	87	55	142
Al-Amal	5	93	74	163
Intellectual Education	2	192	124	316
Intellectual Education Rehabilitation	2	342	180	522
Al-Wafa Down Syndrome	6	29	29	58
Autistic Behaviour	1	17	0	17
Al-Ataa Kindergarten	1	8	8	16
<b>Total</b>	<b>29</b>	<b>1 051</b>	<b>696</b>	<b>1 747</b>

174. To give concrete expression to the concept of inclusive education and avoid social and psychological isolation, Kuwait has, since 1995, sought to integrate disabled students in general education. Starting with partial integration, the process involved establishing special classes for the disabled in ordinary schools. Full integration involves including five disabled students in each class for every 15 able-bodied students.

175. In 1996, special classes for slow learners were introduced at the primary and intermediate stages. In 1997, a ministerial decree was issued, requiring the introduction of special kindergarten classes for Down syndrome children. The following table shows the number of Down syndrome pupils in general education schools:

**Table 8**

	<i>No. of schools</i>			<i>No. of pupils</i>			<i>Total</i>
	<i>Primary</i>			<i>Primary</i>			
	<i>Kindergarten</i>	<i>Boys</i>	<i>Girls</i>	<i>Kindergarten</i>	<i>Boys</i>	<i>Girls</i>	
Capital	1	1	1	6	5	0	11
Hawalli	1	1	1	12	6	6	24
Mubarak	1	1	1	7	9	6	22
Farwaniya	1	1	1	9	5	5	19

	<i>No. of schools</i>			<i>No. of pupils</i>			<i>Total</i>
	<i>Primary</i>			<i>Primary</i>			
	<i>Kindergarten</i>	<i>Boys</i>	<i>Girls</i>	<i>Kindergarten</i>	<i>Boys</i>	<i>Girls</i>	
Ahmadi	1	1	1	17	10	7	34
Jahra	1	1	1	7	4	10	21
<b>Total</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>58</b>	<b>39</b>	<b>34</b>	<b>131</b>

176. The following table shows the number of slow learners in general education schools:

**Table 9**

	<i>No. of schools</i>				<i>Total</i>	<i>No. of pupils</i>				<i>Total</i>
	<i>Primary</i>		<i>Intermediate</i>			<i>Primary</i>		<i>Intermediate</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>		<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	
Capital	1	1	1	1	4	27	10	88	39	164
Hawalli	1	1	1	1	4	20	11	45	29	105
Mubarak	1	1	1	1	4	6	9	36	28	79
Farwaniya	1	1	1	1	4	30	30	0	13	73
Ahmadi	1	1	1	1	4	6	2	29	21	58
Jahra	1	1	1	1	4	10	10	35	35	90
<b>Total</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>24</b>	<b>99</b>	<b>72</b>	<b>233</b>	<b>165</b>	<b>569</b>

177. Private schools, too, pay a great deal of attention to pupils with disabilities and seek to integrate them in ordinary schools. The following table shows pupil numbers:

**Table 10**

<i>Schools</i>	<i>Pupils</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>
Arabic language schools	429	269	698
Foreign language schools	472	214	686

178. Some schools that follow the private school system are confined to persons with disabilities. The following table shows pupil numbers by educational stage:

**Table 10**

<i>Stage</i>	<i>Pupils</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>
Kindergarten	26	5	31
Primary	109	41	150
Intermediate	120	35	155
Secondary	78	27	105
Special needs classes	901	553	1 454
<b>Total</b>	<b>1 234</b>	<b>661</b>	<b>1 895</b>

179. Keen to uphold the core principles of education in teaching the disabled, Kuwait has formulated the following goals:

- To enable persons with disabilities to acquire all the skills needed to prepare and enable them to lead an independent life in terms of mobility and social relations;
- To provide persons with disabilities with all possible and available types of education;
- To develop the physical, intellectual and social potential of persons with disabilities as much as their capacities allow;
- To enable persons with disabilities to acquire, systematically and methodically, all the social skills they need to enable them to develop their personalities and self-confidence and build balanced relationships with other members of society;
- To equip persons with disabilities with the vocational skills to enable them to hold down a job they are good at and that is commensurate with the limitations of the disability.

180. Kuwait provides appropriate teaching and learning facilities for those with disabilities on the basis of individual needs. Facilities include:

- Teaching the blind to read and write using Braille;
- Teaching sign language to the hearing impaired;
- Providing elevators and escalators for disabled access;
- Supplying modern teaching aids;
- Teaching the disabled on the basis of appropriate curricula, including a modified general education curricula, as is the case at Al-Amal, Al-Raja and Al-Noor schools. Other schools have their own curricula;
- Including practical training (carpentry, painting, machining, etc.) in the curriculum alongside theoretical subjects.

181. Children with disabilities are taught and trained by specialist teachers. The following table shows teacher numbers:

**Table 11**

<i>School</i>	<i>Number of schools</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Al-Raja	6	92	273	365
Al-Noor	4	71	96	167
Al-Amal	5	66	113	179
Intellectual Education	2	62	103	165
Intellectual Education Rehabilitation	2	81	85	166
Al-Wafa Down Syndrome	6	36	57	93
Autistic Behaviour	1	34	0	34
Al-Ataa Kindergarten	1	0	39	39
<b>Total</b>	<b>29</b>	<b>525</b>	<b>844</b>	<b>1 369</b>

182. Given the importance of monitoring disabled pupils at school, the Ministry of Education issued Ministerial Decree No. 239 (2008), creating education inspectors in each education district, whose job it is to:

- Monitor plans and programmes for special needs groups;
- Identify problems and difficulties in implementing care programmes for special needs groups and submit reports to the competent bodies;
- Determine the human and material resources needed to implement projects for special needs groups;

- Diagnose pupils who repeatedly fail in order to determine if their IQ and capabilities make them candidates for slow learner programmes;
- Monitor implementation of slow learner and autism programmes, in collaboration with specialists and experts in this area;
- Design and produce suitable aids for pupils in special category care programmes;
- Monitor slow learner classes in schools; supervise, monitor and evaluate programmes, in collaboration with teachers and programme design specialists;
- Propose training courses and workshops to develop staff competence;
- Conduct a targeted awareness-raising programme for parents.

183. In addition to pre-university public and private education, Kuwait also makes it possible for those with disabilities to study at institutes of higher learning (Kuwait University and the Public Authority for Applied Education and Training), depending on the aptitude and potential of each individual.

184. In view of Kuwait University's concern for students with disabilities, a special project designed to care for those with special needs and develop them academically, intellectually and socially, was adopted as part of the five-year plan (2008–2009/2011–2012) at a cost of USD 1.8 million. The project was designed to integrate those with special needs in university education and eliminate the various forms of discrimination against them by:

- Adapting the design of facilities, laboratories, workshops and lecture halls to the requirements of special needs students;
- Arranging for the university to provide essential transport for special needs students;
- Building roads and installing elevators for the disabled and providing special parking spaces;
- Providing specially designed computers for the blind, in collaboration with the Kuwait Institute for Scientific Research;
- Giving elementary classes to students unable to write;
- Printing textbooks in Braille;
- Conducting programmes and activities designed to raise society's awareness of disability.

185. Anxious to continue to care for persons with disabilities, Kuwait has formulated a number of goals and policies relating to their welfare in the second development plan (2015/2016–2019/2020), the most significant of which are:

- To care for and integrate socially sensitive groups, such as juvenile delinquents, the disabled and the elderly, in society;
- To raise awareness among the disabled of their rights and the opportunities available to them and increase their involvement in activities designed to raise community awareness, challenge the negative impressions that surround the disabled and provide a better understanding of disability, particularly mental disability;
- To formulate a comprehensive system of social integration for persons with disabilities, based on non-discrimination, to pave the way for the elimination of all forms of discrimination in State educational facilities and places of leisure and culture, while according attention to systems for the psychological, professional and therapeutic rehabilitation of the disabled;
- To encourage the private sector to enter into partnership with public sector and civil society bodies concerned with persons with disabilities.

186. The Ministry of Social Affairs and Labour is engaged in a process of integrating and training persons with disabilities, designed to develop their cognitive, intellectual and motor

perception and enable them to acquire skills and knowledge. Part I includes the following articles:

- Article 20: A pedagogical and educational service provided by care homes attached to the Department and designed for persons with disabilities who are capable of learning; the disabled are enrolled in special classes to develop their cognitive, intellectual and motor perception and make them aware of the reality of the environment around them;
- Article 24: An educational programme targeting the mildly and moderately disabled in care homes to enable them to acquire a range of academic skills and abilities, including counting, language and artistic skills, in line with the Ministry of Education and private school kindergarten curricula, taking into account individual differences; the programme is implemented by a professional team of specialists;
- Article 25: A pedagogical programme targeting persons with disabilities in care homes attached to the Department and seeking to enable them to achieve motor and sensory coordination by means of games and pedagogical aids appropriate to their capabilities; the programme is implemented by a professional team of specialists.

187. The Public Authority for the Disabled has formed a specialized technical committee to monitor the disabled by conducting diagnostic tests to determine the IQ of slow learners and those with learning difficulties. It also provides the following services:

- Providing educational support for disabled pupils between the ages of 3 and 21 in private schools attached to the Authority. Schools are supervised to ensure a high quality service consistent with type and degree of disability, with the aim of integrating the disabled in society. In school year 2014/15, the number of students stood at 7,102, at a cost of KWD 27,954,336 (equivalent to USD 93,181,120).
- Recruiting qualified, competent and skilled teachers for the disabled on the basis of an interview conducted by the Authority's educational specialists; implementing regular courses for teachers, in coordination with the Ministry of Education.
- Setting up training and vocational centres to train and qualify the disabled for employment, in coordination with the Ministry of Social Affairs and Labour.
- Awarding scholarships and grants to disabled graduates wishing to complete their university and academic studies inside Kuwait and overseas, in coordination with the Ministry of Higher Education. The conditions for the award of an Authority scholarship are:
  - That the applicant be a Kuwaiti national;
  - That the applicant hold a certificate of disability issued by the Authority, attesting to the following:
    - Hearing impairment (moderate, severe);
    - Visual impairment (moderate, severe);
    - Motor impairment (moderate, severe);
    - Physical impairment (moderate, severe);
    - Learning difficulties;
  - That the applicant hold a general secondary certificate or equivalent, attested by the Ministry of Education;
  - That his grade may be 5 per cent lower than that of able-bodied applicants for domestic and overseas scholarships in the science and arts divisions;
  - That the applicant be not more than 25 years of age at the time of submitting the application during the announcement period;
  - That his general secondary certificate shall not have been issued more than 26 months ago;

- That the student shall not be enrolled or registered at a government educational establishment;
- That he shall not previously have received a government scholarship;
- That the applicant or his guardian attend in person;
- That he pass the personal interview.

188. In academic year 2014/15, some 55 students were awarded scholarships to study in Kuwait or overseas.

189. The Authority provides several services for disabled pupils in schools. The following table shows the numbers benefitting from these services in school year 2014/15:

**Table 12**

*Schools with programmes designed to integrate disabled pupils (all disabilities) with able-bodied pupils*

No. of nurseries	Arabic language schools	Bilingual schools	Arabic language schools for those with special needs	Bilingual schools for those with disabilities	Institutions for the severely mentally impaired
10	9	8	11	8	5
Accepting all disabilities (age 3 to 6)	Integrated classes of able-bodied students and those with learning difficulties	Integrated classes of able-bodied students and those with learning difficulties	All disabilities	Special needs classes	Accepting students with severe motor and mental disabilities, dual and multiple disability and cerebral palsy
<b>Total No. of pupils: 7,102</b>					

## Article 25: Health

190. On the basis of article 15, the Kuwaiti Constitution guarantees equal right of access to health care to all citizens, including persons with disabilities. Several articles of Act No. 8 (2010) affirm this right, as follows:

- Article 7: *The Government undertakes to deliver preventive, counselling, therapy and rehabilitation services in all health centres across the country, taking into account the special needs of persons with disabilities. The Government also undertakes to reduce the causes of disability before and during pregnancy and after childbirth and to provide the disabled with medical treatment overseas, if necessary.*
- Article 8: *The Government undertakes to provide trained, specialized medical and technical support staff to deliver therapy for persons with disabilities in all government health centres and hospitals across the country on an equal basis with others. The Government further undertakes to provide specialist teams to deliver health care and physiotherapy at home for persons with disabilities whose need for this kind of care is identified by a competent technical committee.*
- Article 12: *The Government undertakes to provide training centres, workshops and rehabilitation centres for persons with disabilities in all governorates, as well as shelters for emergency cases, and to staff these with specialized technical personnel, within eight years of this Act coming into force.*

191. The Ministry of Health delivers preventive services, counselling, therapy and rehabilitation for disabled children and old people, both male and female, without discrimination and on a basis of equality with the able-bodied, taking into account the special needs of the disabled. Services are provided at the Physical Medicine and Rehabilitation Hospital and the physiotherapy and rehabilitation departments of the Al-Razi, Al-Amiri, Mubarak al-Kabeer, Farwaniya, Jahra and Adan hospitals. There is a proposal for physiotherapy and rehabilitation to be provided at health centres.

192. The Physical Medicine and Rehabilitation Hospital is the main provider of therapy and medical rehabilitation in Kuwait for persons with disabilities. At its inpatient departments and outpatient clinics, fully comprehensive programmes are delivered to develop and strengthen the capacities of the disabled and enable them to perform their jobs in their natural environment with a minimum of dependency.

193. Furthermore, the Physical Medicine and Rehabilitation Hospital seeks to promote the training of specialist medical and auxiliary technical staff by educating and training physicians of the Kuwait Board of Physiotherapy and Rehabilitation and the boards of other relevant medical specializations (e.g. orthopaedics and neurology). It also trains graduates in auxiliary medicine (speech therapy, occupational therapy, physiotherapy). In addition, it holds workshops attended by scientists and experts from overseas, carries out studies in the field of rehabilitation and organizes scientific conferences, the last of which was the third Kuwaiti and ninth pan-Arab conference on physical medicine and rehabilitation (14–16 March 2015) entitled, “The challenge of disability”.

194. Programmes offered by the Physical Medicine and Rehabilitation Hospital include:

- Stroke rehabilitation;
- Spinal injury rehabilitation;
- Brain injury rehabilitation;
- Child rehabilitation;
- Neurological disease rehabilitation (e.g. multiple sclerosis and Guillain-Barré syndrome);
- Amputee rehabilitation;
- Post-surgery rehabilitation (e.g. joint replacement);
- Artificial limbs and orthodontic devices;
- Seating and wheelchair;
- Day care for sick children and the elderly.

195. Rehabilitation is provided by the inpatient department free of charge to Kuwaitis and the children of Kuwaitis. For non-Kuwaiti residents, auxiliary appliances, medical tests, wheelchairs and even travel tickets are subsidized by the Social Service Department, in cooperation with the Patients Helping Fund and various public welfare associations. In 2014, some 232 inpatients benefitted from these programmes, while 2,801 children and 17,048 adults were treated in outpatient clinics.

196. In 2014, some 257 patients received artificial limbs and 650 received prosthetic devices.

197. Inpatient treatment is provided at four wards of the Physical Medicine and Rehabilitation Hospital: a children’s rehabilitation ward, women’s rehabilitation ward and two men’s rehabilitation wards, with a capacity of 83 beds.

198. Outpatient treatment is provided by the Hospital at six general clinics and the following specialized clinics:

- Vertebrae and spinal cord injury rehabilitation;
- Stroke, neurological disease and brain injury rehabilitation;
- Child rehabilitation;

- Artificial limbs (adults);
- Artificial limbs (children);
- Muscle spasm rehabilitation;
- Invasive pain relief;
- Bladder planning and rehabilitation;
- Electromyography and muscle planning;
- Ultrasound imaging of joints; the motor system; ultrasound treatment;
- Pain treatment by laser;
- Focused shock wave treatment;
- Weight assessment and balance disorders;
- Planning and analysis of gait and walking;
- Neurological pain rehabilitation;
- Artificial limbs and prosthetic devices centre;
- Wheelchair maintenance and repair workshop;
- Evaluation and rehabilitation of speech and swallowing difficulties.

199. Services are delivered by a medical rehabilitation team led by a physiotherapist. The team includes specialists in physiotherapy, occupational therapy, speech and swallowing therapy, psychological therapy, social therapy, artificial limbs and prosthetic devices and rehabilitative nursing.

200. The Ministry of Health, together with Ministry hospitals in the governorates and, in particular, the Physical Medicine and Rehabilitation Hospital, forms committees to send disabled patients abroad for essential treatment, for which the Ministry bears the full cost.

201. As delay in detection can result in further cases of mental and physical disability, the Ministry of Health has adopted a country-wide screening programme of new-born children to detect genetic diseases at an early stage. In 2014, some 10,281 cases were screened by the Kuwait Medical Genetic Centre. Additionally, the Ministry of Health has introduced a programme of preimplantation screening of embryos and 53 tests have been conducted at the molecular genetics laboratory.

202. The Ministry of Social Affairs and Labour delivers medical care and a full range of health services for persons with disabilities up to the point where their condition requires transfer to hospital. The Ministry coordinates with the Medical Rehabilitation Centre, established in 1992, and care homes to detect and evaluate new cases and request laboratory tests. The Ministry has a staff of specialist medical personnel, as well as nursing staff, laboratory technicians, radiologists and resident care workers. Various additional clinics have been established. Furthermore, medical conferences are organized to keep abreast of developments in the care of persons with disabilities.

203. The Ministry of Interior provides medical treatment inside Kuwait and overseas for its disabled employees, pursuant to Ministerial Decree No. 686 (2007), regulating the medical treatment of ministry employees. Employees sent overseas may be accompanied by two other persons. Between 1 January and 11 May 2015, five cases were sent overseas for treatment under this Decree. The Ministry provides a range of services for persons with disabilities, depending on their needs and health condition, as well as support and assistance.

## **Article 26: Habilitation and rehabilitation**

204. The training and rehabilitation of persons with disabilities in Kuwait is largely carried out in coordination with the concerned bodies, for example:

205. The Public Authority for the Disabled works in coordination with the Ministry of Social Affairs and Labour to enable persons with disabilities to be trained and rehabilitated at training centres. The Authority is currently studying the feasibility of opening training workshops, based on systematic, modern scientific methods. The Authority has brought the number of sheltered workshops to 21. Furthermore, it has been in touch with the Ministry of Education about allocating two schools to be used by the Authority for project implementation.

206. The Public Authority for Youth and Sport supports the involvement and training of persons with disabilities and events, activities and programmes are organized for them by its various sectors. These are not compulsory or limited to a particular facility or area. Instead, it is left up to the disabled themselves to choose what they want, depending on which facilities and particular areas suit them. There are no laws to prevent persons with disabilities benefiting from these facilities.

207. Vocational training and rehabilitation centres for persons with disabilities have been set up by the Ministry of Social Affairs and Labour to enable them to engage with the labour market and society and seven projects will be implemented in the future. These centres are designed to:

- Train persons with hearing, visual, motor and mental impairment between the ages of 18 and 45 and educate and instruct them in occupations and trades commensurate with their disabilities, limitations, aptitudes and inclinations to enable them to be self-reliant in their daily lives;
- Rehabilitate the physically disabled whose disability has prevented them from holding down a job, and train graduates of the special education schools attached to the Ministry of Education who have been unable to find employment in ministries and public and private enterprises.

208. Trainees benefit from a large number of medical, social and psychological services, as well as special reading and writing classes. They are provided with transport and food and receive a monthly allowance as an incentive. At the end of their training, certificates are awarded by the centre's technical committee to help them find work. These certificates are accepted by the Civil Service Bureau and other government agencies. Government agencies and private sector bodies are committed to achieving a proportion of disabled workers equivalent to 4 per cent of total workforce.

209. Training centres engage in a number of activities alongside their training role, designing programmes and social and leisure activities, organizing forums, conferences and exhibitions and taking part in national and religious celebrations. There are approximately 108 male and female trainees and a technical and administrative staff of 610.

210. The Early Intervention Centre was established to detect disability at an early stage and provide specialist paediatric services, while ensuring medical supervision, physiotherapy, recreational facilities, opportunities for social integration and psychological and educational services. The Ministry carries out genetic screening and hearing tests on new-born infants to reduce the number of cases of disability.

211. Concern with disabled children finds expression in a social care project targeting mentally disabled children from birth to age 4. Centres fully equipped with speech devices and the tools of daily life seek to develop the skills of children with disabilities. A special team consisting of psychologists, social workers and technicians prepares plans and programmes designed to help the children acquire positive social skills to enable them to integrate in society.

## **Article 27: Work and employment**

212. Persons with disabilities have the right to work, without discrimination or exclusion, in accordance with their abilities and capacities and in a manner consistent with their natural aptitude. No law prevents them from working in any sector, although there are certain conditions that limit the kind of work they can do.

213. If a disabled person does the same job as an able-bodied person, he receives the same wage and has the same opportunities for promotion and access to other work-related benefits.

214. The Civil Service Bureau, manpower restructuring programme, State administrative apparatus and oil industry are by law required to set aside up to 4 per cent of their total jobs for the disabled. To emphasize the importance it attaches to persons with disabilities, the Civil Service Council adopted, at its fifth meeting of 2000 (19 August 2000), a resolution on appointing disabled persons without adhering to the appointment procedure, role or field of specialization and registering them as a single category.

215. This procedure is followed by government bodies. The appointment of any disabled person approaching the Authority in search of employment is discussed with the Civil Service Bureau, depending on field of specialization. No-one can be rejected on grounds of disability. Employers are required to make the necessary accommodation and provide a suitable work environment, ensuring that persons with disabilities enjoy the full benefits of employment and promotion without discrimination and that all forms of exploitation are prohibited. Benefits include:

- The social allowance for each disabled child is double the basic amount and there is no limit to the number of children with disabilities for whom this allowance may be received. Retirement pensions for those entitled to the increased allowance are adjusted accordingly.
- In the event of pregnancy, disabled female employees are awarded special leave with full pay, which is not counted as part of any other leave. They are entitled to 70 days maternity leave with full pay and, thereafter, 4 months nursing leave with full pay, followed by 6 months with half pay, to be decided by the technical committee.
- Disabled employees are exempt from the provisions of the Civil Service Act on sick leave and number of persons allowed to accompany them during treatment overseas or inside Kuwait, which shall be decided by the technical committee.
- The working hours of a disabled male or female employee looking after a moderately or severely disabled child or spouse are reduced by two hours each day, with pay; the number of beneficiaries stands at 30,000.
- A moderately or severely disabled employee may take early retirement with a pension equal to 100 per cent of pay, if she has completed 10 years of service or he has completed 15 years of service. The carer of a moderately or severely disabled person may take early retirement, if she has completed 15 years of service or he has completed 20 years of service; the number of beneficiaries stands at 2,600.

## **Article 28: Adequate standard of living and social protection**

216. The follow-up report on the Millennium Development Goals affirms that the population of Kuwait enjoys access to clean water, free from harmful substances such as lead and other pollutants. This promotes public health including, of course, the health of persons with disabilities.

217. Persons with disabilities can obtain special appliances at reasonable prices. Indeed, organizations such as the Patients Helping Fund make them available at special prices.

218. To ensure that they receive comprehensive social and health care, persons with disabilities have access to the many services provided by the Public Authority for the Disabled under Act No. 8 (2010). Practical steps have been taken to ensure that persons with disabilities enjoy an adequate standard of living and social protection, as the following make clear:

- When applying for housing welfare, persons with disabilities and their families are granted notional seniority of three years in the case of moderate disability and five years in the case of severe disability; the number of beneficiaries stands at 4,793.

- In coordination with Kuwait Credit Bank, a grant is available to adapt a disabled person's house to accommodate the type and degree of disability. This amounts to KWD 5,000 (equivalent to USD 16,667) in the case of mild disability and KWD 10,000 (equivalent to USD 33,333) in the case of moderate and severe disability; the number of beneficiaries stands at 31,092.
- In coordination with the Public Authority for Housing Welfare, a Kuwaiti woman married to a non-Kuwaiti man and caring for a severely disabled child or spouse is granted a specially appointed property for use as a home.
- A woman caring for a severely disabled person receives a monthly allowance of KWD 300 (equivalent to USD 1,000), even if she is not Kuwaiti; the number of beneficiaries stands at 4,319 and the monthly outlay is KWD 1,295,497 (USD 4,318,323).
- A disabled person under the age of 18 receives a monthly allowance as follows: KWD 185 (USD 617) in the case of mild disability, KWD 225 (USD 750) in the case of moderate disability and KWD 277 (USD 923) in the case of severe disability. This allowance continues to be paid up to the age of 26 to those studying at university. The number of beneficiaries stands at 10,536.
- Disabled persons over the age of 18 who are unable to work receive a disability allowance; the number of beneficiaries stands at 8,457. Each receives KWD 594 (equivalent to USD 1,962) per month, plus a married person's allowance and child allowance from the General Organization for Social Insurance.
- A monthly allowance for domestic help or a driver for persons with moderate or severe disabilities is paid as follows: KWD 100 (USD 333) in the case of moderate disability and KWD 150 (USD 500) in the case of severe disability. The number of beneficiaries stands at 22,030.
- Persons with disabilities may use public services and facilities free of charge; all government bodies apply this exemption.

219. Persons with disabilities enjoy pension entitlements and programmes just like the able-bodied. Indeed, they have the advantage of being able to retire after having worked for fewer years than others.

## **Article 29: Participation in political and public life**

220. As regards the exercise of political rights, there is no discrimination in Kuwait between persons with disabilities and others. Everyone has the same right to stand as a candidate in elections, vote, hold leadership positions and work with non-governmental organizations and international disability rights organizations.

221. To ensure the effective participation of persons with disabilities in political life, the legal framework, especially the Election Act, No. 35 (1962, amended) has been made readily available, accessible and comprehensible to all, thereby helping the disabled to enjoy their political rights.

222. Under the Election Act, voting in Kuwait is by secret ballot. The Act states: *Voting shall be conducted by secret ballot.* This applies to persons with disabilities.

223. Persons with disabilities have the right to vote in privacy and with total freedom. If they are unable to vote due to their particular circumstances or they need assistance, the magistrate overseeing the elections shall facilitate proceedings to ensure their right to vote.

224. To ensure proper training and effective participation, a number of civil society organizations concerned with the participation of the disabled in political, social and cultural life have been established. The aim of these organizations is to integrate persons with disabilities in society. Their names are well-known in Kuwait: Kuwait Society for the Handicapped, Kuwait Society for Guardians of the Disabled, Kuwait Society for Hearing Impairment, Kuwait Society for the Follow-up of the Issues of the Disabled, Kuwait Blind Association, Kuwait Down Syndrome Society, Kuwait Autism Society, Kuwaiti

Association to Support the Disabled Child and Al-Ibdaa Culture and Arts Association for Persons with Special Needs.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

225. Persons with disabilities enjoy access to cultural materials produced inside and outside the country, particularly material published by the National Council for Culture, Arts and Letters. The Council oversees cultural activity in Kuwait and publishes numerous periodicals and cultural magazines, which are equally available to all through distribution, subscription, acquisition or purchase. Other services provided by the Council include:

- The creation of a suitable architectural, structural and service environment for persons with disabilities, making it easy for them to visit, move around in and use Council facilities and auditoriums. Council buildings are equipped to meet the special needs of the disabled.
- The National Library of Kuwait has a special reading room, equipped with the latest technology and containing books and magazine printed in Braille for the use of the blind and visually impaired. The library is currently working in cooperation with the Kuwait Blind Association to acquire additional copies of books and reference works for the use of persons with special needs.
- Among its activities and events in 2015–2016, the Council included several for persons with disabilities, organized in collaboration with bodies such as Al-Ibdaa Culture and Arts Association for Persons with Special Needs, Kuwait Disabled Sport Club and Kuwait Society for Guardians of the Disabled.

226. The Public Authority for Youth and Sport, which oversees sport and recreational activities, has taken several measures to support persons with disabilities, including:

227. Incorporating within the annual plans of departments concerned with youth work elements designed to promote the participation of persons with disabilities in cultural activities organized by the Authority, on an equal footing with others; for example:

- Cultural activities proposed under the youth centres plan;
- Theatre and film festivals held at youth centres and the Youth Theatre;
- Participation in visits organized by the youth sector to cultural venues in Kuwait, including cinemas, libraries etc., with all special requirements to ensure that they benefit from these visits provided.

228. Making use of the creative, artistic and intellectual abilities of persons with disabilities in the youth sector, not simply by encouraging them to participate in competitions and activities to develop these abilities but by calling upon them to take part (to the extent that they are able) in formulating and supervising the implementation of creative plans; and nominating the most talented among them to train the others in how to make the most use of their abilities.

229. Providing all possible means to enable persons with disabilities to participate alongside others in leisure activities, while ensuring that entry to all of the Authority's youth and leisure facilities and access to services is non-discriminatory.

230. Providing material and moral support to the Kuwait Disabled Sport Club to ensure that, at domestic level, the club is able to implement fully its competitive sporting plans, projects and, at international level, is able to take part in Gulf, Arab and international sporting events and participate in disabled sports organizations.

231. Giving opportunities to persons with disabilities to organize or join voluntary groups which the Authority has taken under its wing and which promote effective participation of the disabled in programmes, workshops and voluntary campaigns designed to spread general culture.

232. Kuwait Television provides daily coverage of persons with disabilities in sport, entertainment and culture on live programmes on Channel 1 (e.g. "Good morning, Kuwait",

“Good evening, Kuwait” and “Bright light of the homeland” (*Eshraqat Watan*) and Channel 3, the sports channel (“Kuwait sport”), as well as the foreign language station, Channel 2. It also conducts live interviews with persons with disabilities, seeking to promote and encourage their participation and affirming them as socially equal to the able-bodied.

233. Programmes on Kuwait Television for persons with disabilities include:

- Reports and articles in live daily programmes;
- A special programme, entitled “We are here”.
- Kuwait Society for the Handicapped programme;
- Channel 3, the sports channel, covers the sporting action at the Kuwait Disabled Sport Club on “Kuwait sport”;
- A programme (“Persons with special needs”) by the Arabian Gulf States Joint Program Production Institution;
- “Awqaf magazine”, produced by the General Secretariat of Awqaf.

234. There is a plan to develop new programme ideas for persons with disabilities and produce TV programmes that are different in terms of design and direction. These will highlight the significant role played by persons with disabilities in the service of society, their involvement in major events and occasions at local, Arab and international levels and their contribution to promoting the image of Kuwait.

235. Certain radio programmes, too, have a role to play in the media treatment of disability. These include:

1. Live programmes, where persons with disabilities are interviewed and invited to talk about their accomplishments. The media has an active role to play in broadcasting the voice of the disabled, which can be heard in the following programmes, broadcast on the General Programme (Radio 1), Radio 2 and local stations: “Good morning”, “Greetings” (*Meraheb*), “Afternoon break”, “Youth hour”, “Good evening, Kuwait” and “Soirées” (*Umsiyatna*).

2. Recorded programmes focus on topics of importance for the disabled, support the important role they play and seek to reach out to them. Programmes include: “Hopes and aspirations” “Knights of the will” (*Forsan alerada*), “The challenge”, “Youth achievements”, Kuwaiti achievements”, “Youth horizons”, “With the family”, “Next in line” (*Al-thani maa al-khatt*), “From this land”, “World of discoveries” and “Evening call”.

3. Foreign language radio programmes highlight the achievements of persons with disabilities, with due regard to their nationality status in the community.

4. Regarding its plans for the future, the radio broadcasting service is keen to formulate a strategy consistent with the inclusive vision planned for the future of radio programming, making it integral to meeting the needs and demands of persons with disabilities as contained in the above-mentioned articles of the Convention on the Rights of Persons with Disabilities. Plans include:

- Producing reports on persons with disabilities and their vital role in all areas of society, to be broadcast in designated slots in the schedule;
- Preparing features designed to raise awareness of the important role played by persons with disabilities and highlight their involvement in the community;
- Assigning correspondents to provide on the spot radio coverage of events and conferences relevant to persons with disabilities and broadcast live dispatches reflecting an enlightened image of the disabled;
- Kuwait Radio will allocate a number of slots in its schedule for experts to talk about issues that concern the disabled, in cooperation with the Ministry

of Social Affairs and Labour, Ministry of Health, Ministry of State for Youth Affairs, Public Authority for Youth and Sport and voluntary groups.

### **Article 31: Statistics and data collection**

236. The Central Statistical Bureau of Kuwait collects statistical data pursuant to Act No. 27 (1963), on statistics and the census, which guarantees the confidentiality of personal data, without discrimination or preferment. Statistical information is made available in the following ways:

- By posting it on the Bureau's website;
- In the form of books, booklets, reports, bulletins and analytical studies published by the Department of Printing and Publishing;
- Reports and articles in the media, including radio, television, newspapers, magazines, workshops, etc.

237. Regarding data collection, the Public Authority for the Disabled has undertaken the conversion of manual documents to digital format, thereby facilitating access to information and statistics. This has involved:

- Preparation of the authentication procedure for all the Authority's administrative and service processes;
- Preparation of a procedures manual for all sectors of the Authority;
- Preparation of a tender brochure for the automation project;
- Purchase of all necessary hardware and software;
- Allocation of the necessary funding from the Ministry of Finance (development plan projects), in addition to attracting a donation from the Ministry of Awqaf.

### **Article 32: International cooperation**

238. The State of Kuwait seeks to promote international cooperation between organizations and nations. In this regard, please note the following:

- The Ministry of Social Affairs and Labour is a member of Rehabilitation International, whose national secretary is a representative of the Kuwait Society for the Handicapped;
- Through the efforts of the Ministry and civil society organizations, many persons with disabilities have taken part in local and international conferences, workshops and symposiums designed to spread and raise awareness of the rights of the disabled throughout the world. An example is the "Journey of hope", whose organisers believe will draw the world's attention to the needs of persons with disabilities and reflect an image of Kuwait as a country that cares for the disabled and can advise and raise awareness in other societies of their rights. The journey was made by public welfare associations for persons with mental disabilities.
- Kuwait has signed memoranda of understanding with friendly and fraternal countries, including the Arab Republic of Egypt, Kingdom of Morocco, Republic of Tunisia and Hashemite Kingdom of Jordan. In 2013, seeking to study and benefit from the experience of other countries in the field of disability, it acceded to the Arab Convention on the Rights of Persons with Disabilities. Visits and activities have been organized to improve the level of services offered to persons with disabilities by the Ministry.

### **Article 33: National implementation and monitoring**

239. With the creation of the Public Authority for the Disabled in 2010, Kuwait took the initiative, unlike most countries in the region, of monitoring implementation of the present Convention at national level. The first of the resolutions on the application of this article involved establishment of the Authority and effective implementation of Act No. 8 (2010). The Authority acts as a single coordinating body within the Government on issues relating to disability and enforcement of the rights of persons with disabilities, as stated in the Convention.

240. In the three years since ratification, the Public Authority for the Disabled has worked in coordination with civil society organizations, representing persons with disabilities in the monitoring process — a process which, in accordance with the Convention, the disabled themselves are fully involved.

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