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Summary record of the 4049th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 October 2023, at 10 a.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Kuwait (continued) (CCPR/C/KWT/4;
CCPR/C/KWT/Q/4; CCPR/C/KWT/RQ/4)

1. *At the invitation of the Chair, the delegation of Kuwait joined the meeting.*
2. **A representative of Kuwait**, replying to questions raised at the previous meeting, said that workplace health and safety was monitored by specialist teams within the National Central Department for Occupational Health and Safety of the Public Authority for the Workforce. The Authority also raised awareness of the issue through social media campaigns targeted at workers and through workshops for business owners. To prevent deaths, legal requirements and specifications for scaffolding had been adopted. Furthermore, all workers, regardless of nationality, had the right to submit complaints to the Authority, and complainants were afforded all necessary protections. The Authority was also working with the International Labour Organization to implement a project with the aim of making it easier for workers to obtain their end-of-service benefits and other dues.
3. In the event of the death of a migrant worker, the Authority cooperated with non-governmental organizations to facilitate the repatriation of the person's remains. Employers of domestic workers were legally responsible for such repatriation in the event that a migrant domestic worker in their employ died. Data gathered on worker deaths showed that the causes of death were varied, including falls, explosions and fires. Kuwait had recorded 180 cases of workplace deaths, equivalent to only 0.001 per cent of workers in the country. All deaths were reported to the Authority, which was responsible for examining the site of the incident to determine whether it constituted a workplace accident. The Authority would then refer the case to the appropriate investigative and judicial authorities. More than 30,000 workplaces had been inspected to ensure that they were complying with decrees prohibiting work during the hottest part of the day, and employers had been instructed on how to avoid worker deaths during periods of high temperatures.
4. **A representative of Kuwait** said that a bill was under consideration to increase the punishment for physical and mental torture committed by a public employee with intent to scare the victim or extract information or a confession and for the failure by officials to report such crimes. Discrimination on any grounds and the fact that the acts led to a victim's death would be considered aggravating circumstances in torture cases. Since 2020, 15 complaints of torture by a public official had been received. The cases had been referred to the competent civil courts to determine the compensation owed, and the perpetrators had received prison terms of between 6 months and 5 years.
5. With regard to the incident in May 2022 involving a law enforcement officer who had hit a civilian, he noted that the civilian in question had been in possession of an unlicensed weapon, which he had fired in a residential area. The civilian had been charged with several offences and brought before the public prosecutor the following day. He had ultimately been handed down a fine. After examination by a forensic doctor, it had been concluded that the stroke suffered by the individual had been caused by a pre-existing condition. The public prosecutor had ordered an investigation into the allegations of torture, which had been found to be untrue.
6. Responding to the question regarding the individual who had died in police custody in 2022, he noted that, at the time of arrest, the person in question had been under the influence of drugs. While the investigation had confirmed that he had been hit several times on the forehead – the cause of his physical injuries – the officers responsible had not been found guilty of excessive force.
7. **Mr. Ndiaye** said that, with regard to premarital medical examinations for marriage candidates, it would be interesting to know whether the existence of a medical condition was considered sufficient cause to prevent a marriage and whether such decisions were made by the medical courts. He wondered on what legal basis a medical practitioner could reveal one

party's medical condition to the other and how any such legal provisions were compatible with the right to privacy enshrined in the Covenant.

8. **Ms. Kran** said that, given reports of widespread abuse of domestic workers in Kuwait, she wished to know whether employers were subject to any form of background checks, what measures – besides complaint mechanisms – were in place to prevent ill-treatment and how the State party monitored the effectiveness of such measures. She also wondered whether any educational campaigns about domestic workers' rights had been conducted and how their impact had been evaluated.

9. As the *kafalah* sponsorship system appeared to facilitate the ill-treatment of domestic workers by deterring workers from reporting abuse or leaving abusive employers, it would be useful to know whether the State party intended to grant the Public Authority for the Workforce the power to cancel or transfer domestic workers' employment contracts without the original employer's consent and whether it had plans to review or repeal the offence of absconding with which domestic workers could be charged if they broke a work contract. She also wondered how the State party intended to ensure that all domestic workers were granted their legal entitlement to paid leave.

10. She wished to know how the State party ensured that restrictions on the right to hold public gatherings aligned with the requirements of necessity and proportionality set out in the Covenant and whether it intended to repeal those restrictions. The Committee would also be grateful to learn what measures were in place to ensure that non-citizens had equal right to freedom of assembly and whether the State party planned to repeal the legislative provisions restricting that right for non-citizens.

11. It would be useful to hear what guarantees were in place to ensure that complaints of excessive use of force by law enforcement officers against protesters were handled by independent, efficient judicial mechanisms and with sufficient oversight. She wished to know what steps had been taken to ensure that the use of firearms by law enforcement officers to disperse protests was compatible with the basic principles of the Covenant and what alternative, non-lethal methods for crowd management were used.

12. **Mr. Ahmadov** said that, as pretrial detention, which could last up to three weeks, was not subject to judicial oversight, he wished to know when the State party intended to amend its legislation to bring it into line with article 9 of the Covenant. He would also be interested to learn when the State party expected to have sufficient capacity to accommodate all prisoners and what steps had been taken to improve conditions at Talha Prison.

13. The Committee wished to know how the State party ensured that shelters and complaints procedures were accessible to all domestic workers. It would also welcome statistical information on the number of investigations, prosecutions and convictions in cases of forced labour and ill-treatment of domestic workers. He wondered what was being done to repeal the *kafalah* system and what measures had been taken against recruitment agencies that violated labour laws and regulations.

14. With regard to human trafficking, he wished to know what penalties had been imposed against offenders, what reparations had been provided to victims and whether victims had access to protection and assistance, including psychological assistance. He would also welcome detailed information about the implementation of the national referral system, including what services were available to victims, whether any shelters had been established and how many persons had participated in voluntary return and reintegration programmes.

15. **Ms. Tigroudja** said that she would be grateful if the State party could confirm whether Bidoon people were obligated to withdraw any application for Kuwaiti citizenship in order to obtain a "review card", which proved that the bearer was registered with the State as an unlawful resident. The Committee had received reports that the Central Agency for the Remedy of Situations of Unlawful Residents responsible for issuing review cards had falsified large numbers of them, attributing a nationality to Bidoon people when they were, in fact, stateless and that the decisions of the Central Agency could not be appealed. She would welcome the State party's comments on those issues and, more generally, on the legal status of Bidoon people in Kuwait.

16. With regard to the treatment of migrant workers, it would be useful to know what measures had been taken in response to complaints of ill-treatment and what penalties had been imposed on employers found to have broken labour laws or to have unlawfully sold visas. She wondered what was being done to ensure that businesses in Kuwait abided by human rights law and to prevent new technologies from being used to facilitate worker exploitation, human trafficking and slavery.

17. The Committee wished to know whether the system of administrative deportation under the authority of the Ministry of the Interior was fully compliant with article 13 of the Covenant. With regard to the individuals awaiting deportation who had been detained for more than 30 days, it would be useful to know the exact duration of their detention. It would also be useful to know how many persons had been deported since 2016, including the reason for their deportation, the type of deportation procedure and the length of pre-deportation detention, in addition to whether the deportees had been able to lodge an appeal before a judicial body meeting the requirements set out in article 13 of the Covenant.

18. Lastly, she wished to know what the status was of the draft law on public welfare organizations. It would be useful to know how many associations had been dissolved since 2016, what had been the reason for their dissolution and what guarantees were in place to prevent abuse of the dissolution mechanism. She wondered how the State party reconciled its legal provisions preventing non-Kuwaiti nationals from establishing associations with the provisions of article 22 of the Covenant, which guaranteed the right to freedom of association for all persons.

19. **Mr. Teraya** said that he would be grateful if the State party could clarify whether the National Military Service Act (No. 20/2015) included provision for alternatives to military service, and whether such alternatives were also available during times of war.

20. He would be interested to know whether religious minorities and adherents to non-Abrahamic religions in particular enjoyed the same rights as adherents of Sunni Islam in obtaining permission to construct new facilities and whether the State party permitted religious schools for all faiths or permitted organized religious education for faiths other than Islam in public secondary schools. He would be grateful to know whether members of all religious groups were permitted to pray and to possess religious literature while detained and whether the State party issued new official documents attesting to religious conversions. Should the replies to his questions be in the negative, he would appreciate explanations as to how the law and practices of the State party were compatible with article 18 of the Covenant.

21. The Committee was concerned at the prohibition on the naturalization of non-Muslims and at the non-issuance of new official documents to converts from Islam and recalled that the obligations assumed by the State party under the Covenant regarded all individuals within its territory and subject to its jurisdiction, whose rights were to be ensured without distinction of any kind, including with respect to national or social origin. Accordingly, the delegation might indicate whether the State party intended to amend all relevant laws to comply with those obligations and, if not, explain how current legislation was compatible with the Covenant.

22. Given the multiple reports of an increasingly restrictive environment for freedom of expression particularly with respect to online platforms, he would be grateful if the State party could provide more detailed information on the specific legal provisions on which prosecutions for offences relating to freedom of expression had been founded, specifying how the penalties it imposed, for example on news websites and on publishers and broadcasters of content deemed to be offensive to religious sects, were legitimate, necessary and proportionate within the meaning of article 19 of the Covenant. He would be interested to know what oversight and accountability mechanisms were in place to ensure that the relevant laws were not misused to repress ideas contrary to those espoused by the State and that freedom of expression was promoted.

23. In the light of the extremely low representation of women in public affairs and of reports that some tribal leaders had excluded women from running for office and from attending unofficial tribal primaries and local gatherings, he would be grateful to know what measures, including awareness-raising, oversight and accountability mechanisms, the State

party was taking or considering taking to overcome cultural and other barriers to the meaningful participation of women in public affairs.

24. He invited the delegation to provide more information regarding the right of naturalized citizens to vote in municipal elections and be elected as members of parliament and regarding any restrictions on that right or on those persons' duration of service. To what extent was the relevant legislation compatible with article 25 of the Covenant?

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

25. **A representative of Kuwait** said that the Public Authority for the Workforce had amended the regulations implementing Domestic Workers Act No. 68 to allow the National Federation of Domestic Workers to transfer domestic workers who had suffered abuse at the hands of their employers to another posting and to facilitate the submission of complaints by workers through email or the diplomatic mission of their State of origin. Employers could be compelled by the police to appear and provide testimony in relation to complaints.

26. The Federation also provided victims with services, including health services and a shelter, where approximately 2,475 women domestic workers had received care and meals since 2016. An agreement on the protection of domestic workers had been concluded between the Federation and three non-governmental organizations. The Federation had conducted approximately 300 visits to recruitment offices to prevent the exploitation of workers. It had received over 7,970 complaints, including from employers and recruitment offices, of which approximately 4,400 had been referred to the courts.

27. **A representative of Kuwait** said that premarital medical examinations were carried out under Act No. 31 of 2008 to rule out the presence of diseases. In the event of an undesirable outcome, the other party was informed confidentially but only with the express written consent of the first party, without discrimination based on age, race or other characteristic. The relevant legislation did not provide for the suspension of the marriage as long as the parties had reached the age of majority.

28. **A representative of Kuwait** said that organizers of public assemblies were required to obtain authorization to avoid undue disruptions to daily life, in line with the Constitution, which protected the right to freedom of expression and association, especially for human rights defenders. The Government was a pioneer in guaranteeing freedom of expression through peaceful assembly and audiovisual media. Given the economic and security situation in Kuwait and the region, the Government tried to avoid any kind of discord and had to balance the higher interest of the State against safeguarding freedom of expression and association. The Ministry of the Interior intervened only when protests turned violent and where national security was endangered; neither weapons nor excessive force were used by police when dispersing demonstrators.

29. **A representative of Kuwait** said that no one was deprived of their liberty in an excessive or arbitrary fashion. Investigators must respect the legal rights of suspects by notifying them of the charges against them. The accused had the right to deny the charges, to remain silent and to appoint a lawyer or have one provided to them by the State, while witnesses had to be properly treated. The court ensured that complaints made by imprisoned persons received a reply within 48 hours. Under article 227 of the Civil Code, unlawfully detained persons were awarded compensation or were released. Pretrial detention was only applied as a last resort in the case of individuals presenting a threat. A total of 33,120 persons had appeared before a judge in 2022, of whom 6 per cent had been placed in pretrial detention.

30. **A representative of Kuwait** said that the Ministry of the Interior was making every effort to prevent and resolve overcrowding in prisons. A prison complex was currently being built to house 5,000 men and 1,000 women, and the Code of Criminal Procedure provided for the granting of pardons or amnesty to certain categories of persons. Furthermore, prisoners experiencing a medical problem could be released following examination of their situation by the competent board and persons sentenced to between 3 and 4 years of imprisonment could be released if they had served at least one year. Under Drugs Act No. 74 of 1983, the State could refer persons to psychiatric centres. Electronic tags could also be used to keep track of persons' whereabouts.

31. The well-being of prisoners, especially those with health issues, was monitored by the Ministry of Health, and all prisoners could receive medical treatment from the central prison hospital without discrimination of any kind. The condition of prisoners who visited external health centres was monitored by the central hospital. Meals were also provided to prisoners, and there were services in place for the children of imprisoned mothers.

32. **A representative of Kuwait** said that under the *kafalah* sponsorship system, foreign workers could arrive on contracts with fixed or non-fixed durations. The Public Authority for the Workforce had applied measures, including tracking the transfer of salaries to workers' accounts and lifting the requirement to obtain authorization to change employer, to prevent employers from wielding excessive control over workers. Ministerial Decree No. 14 of 2017 had established a minimum wage, while article 32 of the Labour Act had been amended to impose harsher sanctions on employers who committed violations.

33. Cases relating to human trafficking, as well as breaches of labour law and international agreements, were handled by some 245 inspectors, who had two years of training and the status of judicial officials. A total of 8,640 employers had been suspended over rule violations, and some 15,325 workers had been permitted to transfer to other employers as a means of redress. Of the 25,000 workers who had lodged a complaint, only 970 had been prevented from transferring. In the period between 2021 and 2023, more than 71,000 inspections had been undertaken, including checks of reports that workers had absconded. Legislation on domestic workers prohibited using social media to promote the recruitment of domestic workers, and such websites were tracked to detect any violations.

34. **A representative of Kuwait** said that under the Prevention of Trafficking in Persons and Smuggling of Migrants Act No. 91 of 2013, the Office of the Public Prosecution was responsible for investigating related violations and for hearing witnesses, who could be referred to shelters or health-care authorities or repatriated after the completion of investigations. Cases could be referred to the criminal court based on their testimony, and the standing national committee to prevent human trafficking and migrant smuggling was to be notified of the outcome of the investigation and the decision of the prosecution. According to Ministry of Justice statistics, 153 such offences had been recorded by the Office of the Public Prosecution between 2020 and mid-2023, with respect to which there had been 150 court rulings. Some 27 civil cases had been brought by victims seeking redress.

35. Following referral to shelters, victims received appropriate treatment, accommodation and psychosocial support to facilitate their reintegration. The national referral system for the prevention of human trafficking consisted of different bodies to identify and protect victims and hold perpetrators to account. The Ministry of Justice was preparing, in cooperation with the United Nations Office on Drugs and Crime, a workshop on the national referral manual and the law enforcement framework on human trafficking for members of the standing national committee. The Kuwait Institute for Judicial and Legal Studies held seminars for the judiciary to raise awareness of human trafficking; 72 members of the Office of the Public Prosecution had benefited from the training in the preceding year.

36. **A representative of Kuwait** said that the Department for Deportation and Temporary Detention worked hard to implement administrative and judicial deportation orders within 72 hours as long as the person concerned had a passport or travel document. Delays in the execution of deportation orders occurred when a travel ban had been issued by the Office of the Public Prosecution, the General Department of Criminal Investigation or the Ministry of Justice or the relevant diplomatic mission refused to issue travel documents, when the investigation was pending, when there was no diplomatic representation or when there was a lack of documentation indicating the person's nationality. Approximately 32 men and 3 women were awaiting deportation for those reasons; the competent bodies had been contacted in order to finalize deportation procedures.

37. Any foreign nationals could be deported, even when they had a valid residency permit, if they did not have a source of income, the Minister of Justice believed their deportation to be in the interest of public morals or they had received four criminal sentences over a period of five years; protection orders were implemented based on coordination with the relevant bodies.

38. **A representative of Kuwait** said that a number of non-Muslim families had been naturalized and fully enjoyed their rights, including political rights and the right to join military institutions, the latter of which was governed by the laws and conditions of admission. All Kuwaitis meeting the conditions were required to complete military service, to which the law did not offer any alternative.

39. **A representative of Kuwait**, referring to the right to freedom of expression, said that the law made no provision for any penalties in respect of the content of the audiovisual media or publications. An amendment to Act No. 17 of 2020 had abolished any penalties for the content of books. Some 230,00 books had been exhibited at the 2022 book fair. The Ministry of Information had not censored the content of any of those books. Most of the complaints regarding their content had not been lodged by the Ministry but had arisen from campaigns launched by neighbouring countries. If they jeopardized national security, websites could be blocked initially for no more than two weeks, a period which could however be extended. If printed material contained defamatory statements, the maximum penalty was 5,000 dinars. The same penalty applied to blackmail or death threats.

40. **A representative of Kuwait** said that under Act No. 73 of 2015, legal action could be initiated against audiovisual media only if the opinions expressed on them constituted offences such as slander, hate speech or attacks on religious freedom. In the case of blasphemy, the matter could be referred to the courts. Official statistics showed that the number of complaints related to criticism of the Government or the publication of fake news had fallen from 48 in 2021 to 19 in 2023. Complaints related to criticism of the Government of other States had halved. There had been no complaints related to defamation on religious grounds in 2022 or 2023. The efforts made to find a fair balance between freedom of expression and the rights of other parties when offences against the dignity of the State or blackmail were concerned complied with article 17 (1) of the Covenant, which afforded protection against attacks on a person's honour and reputation.

41. **A representative of Kuwait** said that article 43 of the Constitution guaranteed freedom of association. It was possible to set up teams of volunteers under a simplified procedure. In October 2023, 159 associations were in existence, along with 73 teams of volunteers and young persons performing voluntary service overseas, 182 non-governmental organizations and 104 charities. Some associations had been dissolved in 2018. When the courts took such decisions, they considered the opinion of the competent government minister. Some cases were still being examined by the court. The law made it clear that if an association departed from its purpose, was guilty of serious breaches of the law, was unable to meet its financial obligations or had fewer than 10 members, it could be shut down. Unlawful residents could join associations of doctors, lawyers, accountants, engineers or physiotherapists and could benefit from their services on an equal footing and without any discrimination. Several applications to set up associations were currently being examined.

42. **A representative of Kuwait** said that the law of his country made provision for the right to join an association and for lawyers, journalists and active members to attend their meetings. Act No. 44 gave private individuals the right to meet without prior notification. The security forces could not break up such meetings whether they were virtual or held in person. However, freedom of opinion and freedom of association did not extend to holding seditious meetings. As was its duty, the State supervised the rights of all citizens. Act No. 65 on peaceful assembly was fully compatible with article 19 of the Covenant and with article 20 (1) and (2) of the Universal Declaration of Human Rights. While anyone had the freedom to develop his or her personality, he or she must abide by the limits set by the law and respect the well-being of all other citizens by not impinging on the freedom of others or breaching the peace. The Minister of the Interior constantly safeguarded those rights to the best of his ability and in accordance with the Covenant.

43. **A representative of Kuwait** said that there was nothing to prevent tribal women from holding senior positions and in fact many tribal women held posts in the upper echelons of ministries. Under Act No. 17 of 2005, tribal women could stand for election to the National Assembly, showing that the State of Kuwait ensured that there was no gender-based discrimination. Universities, the Ministry of Information and other ministries had launched campaigns and training courses on equality. Women were encouraged to stand for election to administrative posts in charities and ministries and to boards of directors. There was one

woman member of the National Assembly and four women ministers. Several women held senior positions in chambers of commerce and charities.

44. **A representative of Kuwait** said that article 25 of the Covenant implicitly allowed the setting of reasonable restrictions to the rights embodied therein. The fact that naturalized persons had to wait for 20 years before exercising those rights was therefore consonant with that article.

45. **A representative of Kuwait** said that the Nationality Act of 1959 laid down the conditions for obtaining Kuwaiti nationality. In the period 1981–2022, the Government had refrained from deporting 9,500 persons who had concealed their nationality. Instead, it had allowed them access to the necessary services and to regularize their situation. Persons not lawfully present in the territory of Kuwait could have recourse to the courts on the same footing as nationals. Court decisions were taken impartially and without any discrimination. The Government took account of the humanitarian situation of persons not lawfully present in the country. They had received the right to remain in the country under an amnesty in 2014. Over 500 challenges to deportation orders had been dealt with by courts of first instance, 362 had been heard on appeal and no decision had yet been taken on a further 114.

46. **A representative of Kuwait** said that whistle-blowers who provided the Anti-Corruption Authority with information in good faith were protected by the law. Only those who acted out of malevolence would be prosecuted.

47. **A representative of Kuwait** said that acts of domestic violence had been criminalized. Victims could turn to the prosecution authorities, the police or the Supreme Council for Family Affairs for help. In 2020, 128 cases had been dealt with, 109 in 2021, 106 in 2022 and 62 in 2023. The notion of domestic violence covered physical attack and coercion to perform a sexual act.

48. **A representative of Kuwait** said that when a worker was transferred from one employer to another, that person could ask the Public Authority for the Workforce for help to obtain the payment of wages, allowances and annual bonuses, or the return of his or her passport. In 2023 the Authority had received over 10,000 requests for assistance. The aim was to settle disputes between employers and workers out of court. If the attempt to do so failed, the matter would be referred to the courts. A worker could challenge a transfer to another employer with the Authority.

49. **Ms. Kran** said that she wished to know how the State party intended to investigate cases where riot police had beaten protesters and the security forces had attacked protesters at a peaceful demonstration, in order to ensure that those responsible were held accountable for violations of the right to peaceful assembly. She wondered whether charges had been laid and, if so, what penalties had been imposed. She would be interested to know whether any law enforcement officers who had been convicted of such acts had remained in their jobs and whether law enforcement officials received any training in using alternatives to firearms to disperse peaceful protesters.

50. She was anxious to learn what steps were taken to ensure that employers and workers were placed on equal footing in out-of-court negotiations and that workers were not coerced into settling their complaint out of court. She wished to know whether there were interpretation services available at the Public Authority for the Workforce. She would be grateful if the delegation could provide more information on measures to ensure that victims of domestic violence had access to government shelters.

51. **Mr. Ahmadov** said that he wished to know whether the State party intended to revise its legislation to guarantee the right of a person who had been remanded in custody to be promptly brought before a court.

52. **Ms. Tigroudja** said that she would be grateful for more detailed information about the way in which recruitment platforms were supervised. She wished to know precisely the average length of custody pending deportation. Was it true that non-Kuwaitis did not have the right to found an association?

53. **Mr. Teraya** said that he was curious to learn how the lack of an alternative to military service could be deemed compatible with article 17 of the Covenant. He had not heard any

reply to his question regarding discrimination against minority religious groups. He would be interested to know why there were so few women members of the National Assembly or in the Government. He was unsure that it was reasonable to make a person who had been naturalized wait for 20 years before they could vote or hold political office.

54. **Ms. Bassim** said that she wished to know the reason and specific criteria for the distinction made between charities and civil society organizations. She wondered whether the draft law on public welfare organizations that had been mentioned would permit the monitoring of foreign funding of civil society organizations.

55. **A representative of Kuwait** said that force and firearms could not possibly be used during a peaceful demonstration. The Government supervised the police. Demonstrators were dispersed by peaceful means after negotiations with the organizers. The aim of the security forces was to ensure everyone's safety. Since 2015 law enforcement officers had received intensive training in dealing with demonstrations. One module concerned the safe dispersal of demonstrators without endangering their lives.

56. **A representative of Kuwait** said that migrant workers claiming to be victims of violations were identified using fingerprint technology, had their claims investigated and were provided with medical treatment, including, if necessary, hospital care. Steps were taken to raise awareness among migrant workers of the shelters available to them, including through the provision of interpretation services at embassies and other institutions. Discrimination against migrant workers was prohibited by domestic law. There was an agency responsible for monitoring digital platforms to ensure that they were not used to facilitate trafficking or other criminal activities. Regarding the out-of-court settlement of labour disputes, employers were summoned to hearings, the minutes of which were published. Workers were not required to attend. The Government took measures to guarantee that workers received adequate compensation.

57. **A representative of Kuwait** said that, although criminal defendants could be remanded in custody for up to three weeks before being brought before a judge, in reality, public prosecutors took less time to complete their investigations, on the basis of which courts ordered defendants' release or their continued detention under the conditions prescribed by law. Appeals against pretrial detention were heard within 48 hours, and the circumstances of each case were taken into consideration.

58. **A representative of Kuwait** said that only citizens had the right to found associations. However, non-citizens were entitled to benefit from associations' facilities on an equal footing through membership. A distinction was drawn between charitable and civil society associations because of the differing nature of their activities. Associations could conduct operations abroad and receive funding from foreign sources, subject to certain controls.

59. **A representative of Kuwait** said that administrative deportation could be ordered in specific circumstances in response to bad behaviour or for other reasons of public interest. While the duration of detention prior to deportation should not exceed 72 hours, there were sometimes delays outside the control of the Ministry of the Interior, for example in relation to procedures of the General Department for Investigations.

60. **A representative of Kuwait** said that government ministers were appointed by the Amir in consultation with the National Assembly, whose elected members were chosen by the people.

61. **A representative of Kuwait** said that Kuwait was a country of humanity and that the late Sheikh Jaber Al-Ahmad Al-Sabah had been known as the "father of humanity". The Kuwait Red Crescent Society had recently provided assistance in Libya, Morocco, the Syrian Arab Republic and Türkiye, and was currently delivering humanitarian aid in the Gaza Strip.

62. **Ms. Tigroudja**, noting that only citizens could found associations, asked what was being done to bring Kuwaiti law into line not only with article 22 of the Covenant but also with article 24 (5) of the Arab Charter on Human Rights, which provided for the right of all persons to freely form and join associations with others.

63. **Mr. Gómez Martínez** said that, while he appreciated the delegation's replies on judicial independence, he wished to know specifically who appointed judges, how and by

whom judges were promoted and disciplined, and what guarantees of security of tenure were in place for foreign judges.

64. **Mr. Teraya** said that he had heard no response to the questions on the issue of torture that he had raised at the previous meeting.

65. **Mr. Helfer** said that he would be interested to know whether death row inmates could appeal their convictions on the basis of new evidence, in accordance with the Committee's general comment No. 36 (2018), and, if so, whether compensation and other remedies were provided to persons found to have suffered a miscarriage of justice.

66. **Mr. Santos Pais** asked whether the Office of the Public Prosecution was headed by a prosecutor general, whether it was independent of the executive branch and whether prosecutors enjoyed security of tenure.

67. **A representative of Kuwait** said that individuals could not be detained for more than 48 hours without a written order from an investigator. Courts supervised detention and reviewed the reasons for it, thus providing a comprehensive set of guarantees.

68. **A representative of Kuwait** said that article 163 of the Constitution stipulated that no one could exercise any authority over judges in rendering their judgments, while article 50 clearly established the principle of the separation of powers. There were a number of legislative decrees governing the appointment of judges, their salaries and the organization of the judiciary. Cases could be brought against judges or members of the prosecution service who had lost trust, esteem or authority for non-health reasons on the basis of a complaint lodged against them. Cases could not be referred to the disciplinary committee tasked with deciding on dismissals until a criminal or administrative investigation had been conducted by the Judicial Inspection Department or on its behalf by the Supreme Judicial Council. The head of the Department was required to refer complaints within 30 days of their receipt. Earlier that year, the Ministry of Justice had adopted a decision establishing a unit under the technical supervision of the Department to receive, record and refer complaints against judges.

69. **A representative of Kuwait** said that the appointment of heads of courts had to be approved by the Supreme Judicial Council, while promotions were formalized by a decree of the Ministry of Justice. Foreign judges could be assigned to cases only if no Kuwaiti judge was available.

70. **A representative of Kuwait** said that punishments for offences involving torture were harsher if there were aggravating circumstances, for example if the crime resulted in death or permanent disability of the victim or was committed by a public official in abuse of his or her authority, including to extract information or a confession.

71. **A representative of Kuwait** said that the imposition of the death penalty was subject to numerous safeguards. Capital crimes were prosecuted by the Office of the Public Prosecution, which was independent and impartial. Cases were referred to a court of first instance, an appellate court and the Court of Cassation. Throughout proceedings, defendants had the rights to legal assistance and to be fully aware of the charges against them. Public defenders were appointed to represent accused persons who could not afford to hire a lawyer, witnesses were summoned upon request and free interpretation was provided for those who did not speak Arabic. Death sentences could be appealed and, if new facts or evidence came to light, reviewed. Once all appeals had been exhausted, the Amir decided whether to approve the sentence, commute it or issue a full pardon. The Amir was known to have the best interests of Kuwaiti society at heart and never to make hasty decisions.

72. **Mr. Alhayen** (Kuwait), thanking Committee members for their comments and questions, said that the responses provided by his delegation and the timely submission of the report and replies to the list of issues were a reflection of the positive engagement by Kuwait with the human rights treaty bodies and of the country's strategic and irreversible decision to adopt a human rights approach.

The meeting rose at 1 p.m.