



**International Human Rights
Instruments**

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Kuwait*

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A. General information about Kuwait

New Kuwait Vision for 2035

1. The objectives are to: turn Kuwait into a financial and commercial centre that attracts investment and in which the private sector drives economic activity; promote a spirit of competition and increase the efficiency of production with institutional support from the State; strengthen deep-rooted values, maintain social identity, and achieve balanced, human development; and build proper infrastructure, enact advanced legislation and create an environment that is favourable to business.

Demographic, economic and sociocultural characteristics

Location and area

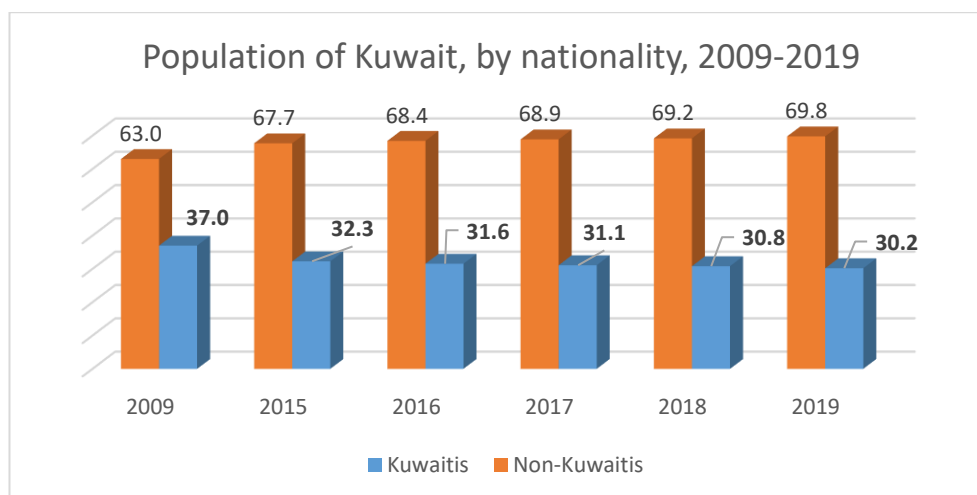
2. The State of Kuwait is located in the north-western corner of the Arabian Gulf between 28°30' and 30°06' north and 46°30' and 48°30' east. It is bordered in the north and north-west by Iraq and in the south and south-west by the Kingdom of Saudi Arabia. It is also bordered by the Arabian Gulf. Its location as a natural passageway in the north-east of the Arabian Peninsula has long enhanced its commercial status. The area of Kuwait is 17,818 square kilometres.

Climate

3. As Kuwait is geographically located in a desert region, it has a continental climate characterized by long, hot, dry summers and short temperate winters with occasional rainfall.

Population

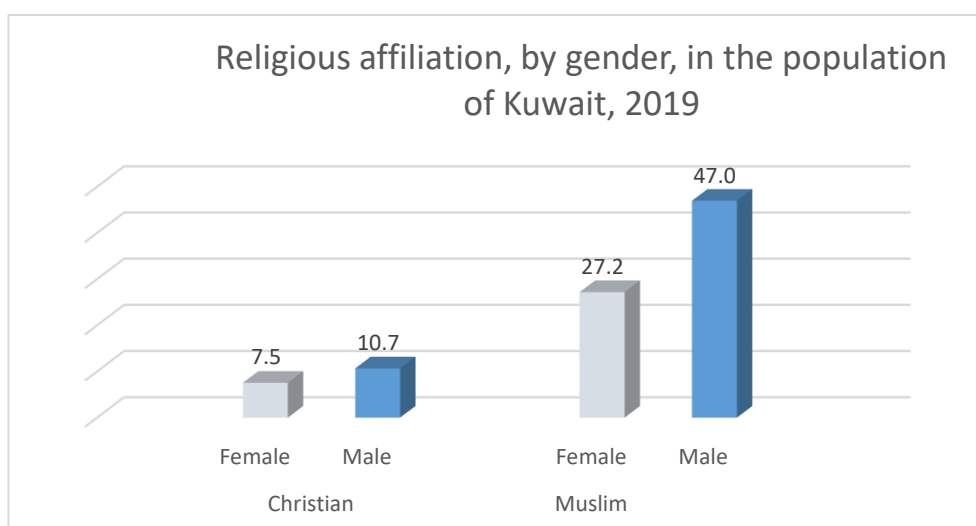
4. The population of Kuwait was estimated in 2019 at 4,420,110, with Kuwaiti nationals accounting for about 30 per cent of the population and non-Kuwaitis for about 70 per cent.



Population of Kuwait, 2008–2019, by nationality.

Religion

5. Article 2 of the Constitution stipulates that the State religion is Islam and the sharia is the main source of legislation. Article 35 of the Constitution states that freedom of belief is absolute and that the State protects the freedom to practise religion in accordance with established customs and without prejudice to public order and public morals.



Education

6. Human capital is the real wealth of nations and a source of creativity and innovation that is conducive to enhanced competitiveness. That is why a basic starting point for development plans in Kuwait makes investment in human beings as a prerequisite for achievement of the Sustainable Development Goals. Education is critical to the creation of human capital that is innovative and capable of increasing the capacity for growth in the Kuwaiti economy.

7. Kuwait has paid particular attention to the right to education. Article 13 of the Constitution stipulates that education is a fundamental prerequisite for the advancement of society and is guaranteed and promoted by the State. Education is free at all levels, from kindergarten to university, and is compulsory at the primary and intermediate levels. Expenditure on public education has increased. It totalled more than 1.7 billion Kuwaiti dinars (KD) in 2016/17 and accounted for about 10 per cent of total government expenditure.

8. The enrolment ratio in primary and intermediate education stands at 92 per cent, as a result of action taken to increase the number of schools in all governorates of Kuwait to reflect the number of inhabitants. The State has been successful in its efforts to eradicate illiteracy, which stood at just 2.9 per cent in 2017/18. Persons with disabilities are provided with a full range of educational services. Some are integrated into regular educational facilities, while others attend special schools.

Table 1
Number of schools and colleges in 2017/18

<i>Data</i>	<i>Schools</i>	<i>Classes</i>	<i>Students</i>	<i>Teachers</i>
Overall data for public and religious education	829	16 216	393 090	69 563
Private schools	16	240	1 745	1 210
Overall data for private education	537	8 753	264 680	16 222

Health

9. The State is committed to providing health care at every level, as a human right, in accordance with articles 10, 11 and 15 of the Constitution. Health-care services are provided on a fair and equal basis to all, including citizens, foreign residents, older persons, children, persons with special needs, women, young people and workers.

10. As a result, the cost of providing health-care services in the country has increased. Budgetary allocations totalled about KD 1.8 billion in 2016/17 (which is equivalent to about 8.8 per cent of government expenditure for that year). According to the draft budget for 2016/17, average health-care expenditure amounted to KD 336 per person. It should be noted

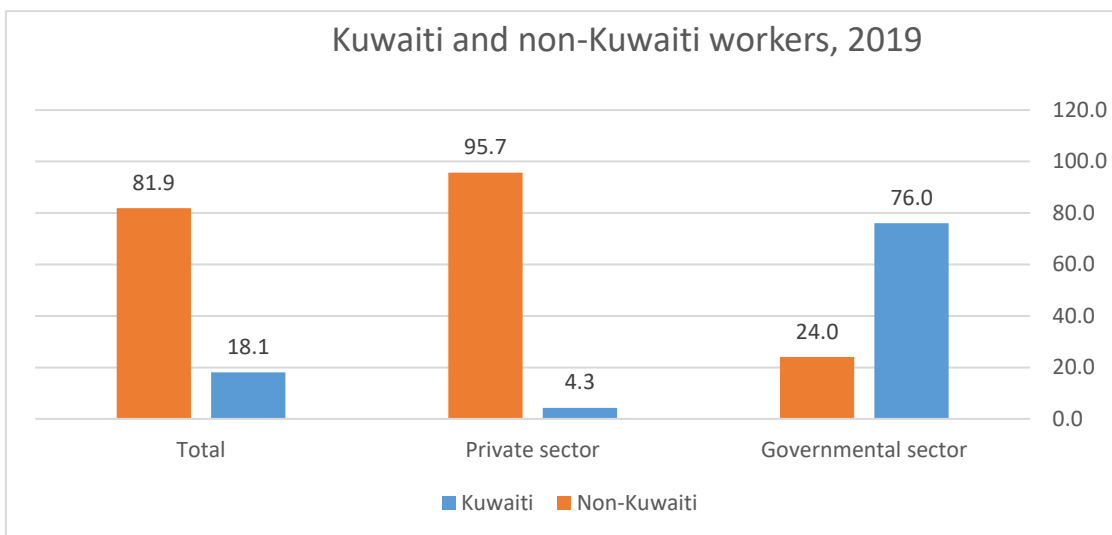
that the proportion of government expenditure allocated to health services during the period from 2012/13 to 2016/17 increased from about 7.8 per cent to about 8.8 per cent.

11. Public hospitals are evenly distributed among health districts. Each district has a general hospital as well as specialized hospitals. The country had a total of 21 hospitals in 2018 – 7 general hospitals and 14 specialized hospitals – as well as 99 primary health-care centres.

12. The State promulgated a law on the establishment of health-insurance companies (a social security system), which provide a range of health-care services for non-Kuwaiti men and women, including a number of health-insurance hospitals. There is also an insurance plan known as “Afia”, which is run by a health-insurance company on behalf of retired Kuwaiti men and women, who are provided with treatment services.

Employment

13. The steady growth in the Kuwaiti economy has led to the emergence of a multitude of diverse employment opportunities and hence an increased demand for labour, among both Kuwaiti nationals and foreign expatriates, to meet labour market needs in various domains.



National income and expenditure

14. The current development plan is designed around seven key themes, one focused on building a diversified and sustainable economy based on the diversification of productive capacity, encouragement of private sector activity and of small and medium-sized enterprises with a view to achieving economic growth in areas other than the oil sector, and the attainment of positive growth rates that increase and sustain living standards. The plan is also designed to continue to develop the oil sector, increase its productive capacity and expand the value-added chain of related industries, especially petrochemicals. As a result of this approach, Kuwaiti citizens continue to enjoy a high standard of living, as demonstrated by the fact that gross domestic product (GDP) per capita stood at over US \$26,000 in 2017.

15. The development plan for the years 2015/16 to 2019/20 is designed to increase the real GDP growth rate to 5.9 per cent once the projects envisaged under the plan have been implemented. The target rate will increase real per capita income based on the assumption of an annual rate of growth in the Kuwaiti population of 2.6 per cent.

National accounts, key indicators (millions of KD)

<i>(Current prices)</i>	2014	2015	2016	2017
Total gross domestic product	46 285.00	34 473.30	33 055.80	36 260.70
Total gross national product	50 736.30	38 292.20	36 916.50	42 018.00
National disposable income	41 982.20	30 415.60	31 678.40	37 569.20

Housing

16. Kuwait takes a special interest in housing in view of its status as a right and its impact on Kuwaiti family life. The Government has adopted development plans based on its policy of providing appropriate housing units for Kuwaiti families. Since 1954 Kuwait has taken steps to create housing units based on different options, including through the provision of public housing and apartments or the distribution of vouchers to citizens based on specific mechanisms and regulations that guarantee fairness in the granting of access to housing. The Kuwait Credit Bank also provides housing loans with the same end in view.

17. The Public Authority for Housing Welfare was established by Act No. 47 of 1993 with the aim of providing housing for beneficiaries through various options. The Authority is the executing agency for the Government's housing policies and its objectives are an integral part of the State's socioeconomic machinery.

The environment

18. The environment is a mainstay of comprehensive development, and protection of the environment is a key global and national objective. Many organizations working in Kuwaiti health care, industrial, scientific, engineering and other areas have begun to focus on environmental studies and data.

19. The Environment Public Authority was established by Act No. 21 of 1995, which was amended by Act No. 16 of 1996. Its priorities include the development and implementation of the Kuwaiti environmental protection policy, and the elaboration and monitoring of the implementation of an integrated plan of action covering all short-term and long-term aspects of environmental protection, and a comprehensive plan specifying the measures required to address environmental disasters.

The constitutional, political and legal structure of the State

20. Kuwait is an independent and fully sovereign Arab State. Its religion is Islam, its official language is Arabic, and its system of government is democratic. The explanatory note to the Constitution states that this democratic system represents a middle way between a parliamentary system and a presidential system and embodies truly democratic principles. Thus, the system of governance in Kuwait is based on the constitutional principle of the separation of powers and cooperation among them.

21. One entire part of the Kuwaiti Constitution, subdivided into five chapters, is devoted to those powers. The first chapter begins by stating that legislative authority is vested in the Amir and the National Assembly in accordance with the Constitution. Executive authority is vested in the Amir, the Council of Ministers and the ministers in their respective capacities, while judicial authority is vested in the courts, which exercise their powers in the name of the Amir and within the limits set by the Constitution.

22. The second chapter specifies the powers of the Head of State:

- (a) He exercises his authority through his ministers and he appoints and may dismiss the Prime Minister;
- (b) He is the Commander-in-Chief of the Armed Forces;
- (c) He issues regulations for the implementation of laws, as well as the regulations required for the organization of the State's public services and departments;

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

23. The Amir has other powers in addition to those listed above:

(a) **The legislature:** Pursuant to article 79 of the Constitution, legislative power is vested in the Amir and the National Assembly, which is composed of 50 members who are directly elected by a universal secret ballot for a four-year term. The National Assembly is mandated by the Constitution to enact legislation. Provisions relating to the legislature are set forth in the third chapter of the Constitution.

(b) **The executive:** Executive authority is vested in the Amir and the Council of Ministers. The Council administers departments of State, formulates general government policy, oversees its implementation and supervises the smooth running of the State's administrative bodies. Each minister supervises the affairs of his own ministry, implements general government policy, formulates ministerial directives and supervises their implementation.

(c) **The judiciary:** Judicial authority is vested in the courts, which exercise their powers in the name of the Amir. Judicial independence is guaranteed by the Constitution and by law on the basis of the principle that the honour of the judiciary and the integrity and impartiality of judges are the bedrock of governance and a guarantee of rights and freedoms. Judges are subject to no authority in their administration of justice and the law guarantees the independence of the judiciary and provides safeguards and special provisions for judges. The Constitution guarantees the independence of the judiciary.

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

24. Kuwait has acceded to the following international human rights instruments:

<i>No.</i>	<i>Treaty name</i>
1.	The Slavery Convention of 1926
2.	The Protocol amending the Slavery Convention of 1926
3.	The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions
4.	The International Convention on the Elimination of All Forms of Racial Discrimination
5.	The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
6.	The International Convention on the Suppression and Punishment of the Crime of Apartheid
7.	The Convention on the Rights of the Child and the Optional Protocols thereto
8.	The Convention on the Elimination of All Forms of Discrimination against Women
9.	The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
10.	The Convention on the Prevention and Punishment of the Crime of Genocide
11.	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
12.	The International Covenant on Civil and Political Rights
13.	The International Covenant on Economic, Social and Cultural Rights
14.	The International Convention against Apartheid in Sports

<i>No.</i>	<i>Treaty name</i>
15.	The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
16.	The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
17.	The International Labour Organization (ILO) Minimum Age Convention (No. 138) of 1973
18.	The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of 1999
19.	The Arab Charter on Human Rights, pursuant to Act No. 84 of 2013
20.	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, pursuant to Act No. 5 of 2006 promulgated on 27 March 2006
21.	The Convention on the Rights of Persons with Disabilities, pursuant to Act No. 35 of 2013

Principles embodied in the Kuwaiti Constitution

25. The Kuwaiti Constitution may be regarded as a political and legal framework for the general rules governing human rights in Kuwait. A number of laws were enacted prior to the promulgation of the Constitution with the aim of ensuring justice for persons in Kuwait. Those laws include the Criminal Code and the Code of Criminal Procedure, both of which were promulgated in 1960.

26. Article 70 of the Constitution stipulates that: “The Amir shall conclude treaties by decree and transmit them forthwith to the National Assembly with the appropriate statement. A treaty shall acquire the force of law after it has been signed, ratified, and published in the Official Gazette.”

27. In view of the importance of human rights, most of the constitutional provisions enshrine the internationally recognized principles in that regard which are set forth in international instruments. The establishment of the Constitutional Court pursuant to Act No. 14 of 1973 has further served to safeguard these rights and freedoms and ensure their effective application. Rights and freedoms figure prominently in the Kuwaiti Constitution, most of the articles of which contain explicit provisions relating thereto. They include:

- Article 6, which states that the people are the source of all the nation’s authority and sovereignty;
- Article 7, which refers to justice, equality and freedom;
- Articles 9 and 10, which guarantee protection for the family, motherhood, childhood and young people;
- Article 11, which stipulates that care and social security shall be provided for all citizens who are older persons, unwell or unable to work;
- Article 13, which guarantees free State education;
- Article 14, which promotes science and the arts and encourages scientific research;
- Article 15, which guarantees the right to health care;
- Articles 16 and 17, which deal with the right to ownership of property and the protection and inviolable nature of public property;
- Article 18, which deals with the safeguarding of private property and the principle that no person may be stripped of his or her property unless this is done in the public interest, under the conditions set out in the law and subject to the provision of fair compensation;

- Article 26, which concerns the assumption of public office.

Human rights principles set out in chapter III of the Constitution

28. This chapter lists a number of general rights and obligations and contains a series of principles enshrined in international human rights treaties, as follows:

- No person may be unlawfully stripped of his or her nationality (art. 27);
- No Kuwaiti national may be removed from his or her country (art. 28);
- Equality and non-discrimination on the grounds of sex, origin, language or religion: all citizens are equal before the law with respect to general rights and duties (art. 29);
- Recognition of rights and freedoms, such as personal freedom (art. 30), freedom of belief (art.35), freedom of opinion and scientific research (art. 36), freedom of the press, printing and publication (art. 37), freedom of privacy and home life (art. 38), freedom of communication by post, telegram and telephone and the freedom to form associations and trade unions (art. 43), and freedom of assembly (art. 44);
- The principle that no person may be unlawfully arrested or imprisoned, tortured, confined to a given place of residence, subjected to restrictions on his or her freedom, residence or ability to travel, or subjected to torture or degrading or humiliating treatment (art. 31);
- The principle of *nulla poena sin lege* (art. 32);
- The principle that the accused person is considered innocent until such time as he or she has been found guilty in a lawful hearing which affords full guarantees of the right to a defence (art. 34);
- The right to a free education at all stages and the compulsory nature of education at the primary stage (art. 40);
- The right to work (art. 41);
- The principle of non-refoulement for political refugees (art. 46);
- Exemption of persons on low incomes from taxation (art. 48).

Principles set out in chapter IV of the Constitution

29. In parts 1, 2, 3, 4 and 5 of this chapter are set out the basic principles that underscore the system of governance in Kuwait, detailing the three powers of State and their duties and functions. Article 50 refers to the principle of the separation of powers. Part 5 deals with the basic principles governing the work of the judiciary; the impartiality of the judiciary is the foundation of government and a guarantee of rights and obligations. The following principles are affirmed:

- The principle of the independence of the judiciary and the immunity of judges (art. 163);
- The principle of the right of legal recourse (art. 164).

30. The Constitutional Court was established by Act No. 14 of 1973 and is solely responsible for interpreting the Constitution and for settling disputes over the constitutionality of laws, decree laws and regulations. The judgements of the Court are binding on all parties and courts. In 2014, Act N. 109 of 2014 was enacted on strengthening the right to appeal to the Court. This law grants persons the right to challenge the constitutionality of laws and regulations directly before the Court.

Civil society organizations in the State of Kuwait

31. Kuwait attaches great importance to civil society organizations and their role in the development of society. Civil society organizations in Kuwait fall into different categories. Some are professional and charitable organizations and others engage in specialized activities, for instance in health-related, social and economic fields.

32. Kuwait provides support for some civil society organizations that were established prior to 1985. The support ranges from KD 12,000 to KD 120,000 per month, depending on the organization's activities. Support is also provided for conferences held within the country or abroad. Most organizations established after 1985 are not provided with support.

33. Kuwait has also enacted a number of laws that contribute to the promotion of human rights:

- Act No. 35 of 2013 on accession to the Convention on the Rights of Persons with Disabilities;
 - Act No. 84 of 2013 concerning the Arab Charter on Human Rights;
 - Act No. 91 of 2013 on Combating Trafficking in Persons and Smuggling of Migrants;
 - Act No. 21 of 2015 on the Rights of the Child;
 - Act No. 111 of 2015 promulgating the Juveniles Act;
 - Act No. 12 of 2015 promulgating the Family Court Act;
 - Act No. 67 of 2015 concerning the National Human Rights Authority;
 - Act No. 68 of 2015 concerning Domestic Employment.
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