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Replies of Kuwait to the list of issues in relation to its fourth periodic report*

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* The present document is being issued without formal editing.



I. Introduction

1. Eager to fulfil its obligations under the International Covenant on Civil and Political Rights, the State of Kuwait hereby submits its replies to the list of issues in relation to its fourth periodic report to the Human Rights Committee. The replies were drafted by the standing national committee for drafting reports and following up on human rights recommendations.

II. Replies to the list of issues

A. Reply to paragraph 1 of the list of issues

2. Treaties that have been ratified by the State of Kuwait become an integral part of national legislation from the date of their entry into force. It follows, therefore, that all government bodies and institutions and all individuals are required to abide by the provisions thereof. The Kuwaiti courts, moreover, are responsible for ensuring that those provisions are respected and upheld.

3. This national legal obligation arises from article 70 of the Constitution. It should be noted that, at the time of ratifying the Covenant, the State issued an interpretative declaration regarding its compliance with the provisions of article 2 (1) and article 23. That declaration clearly stipulated that, in the event of a conflict between the provisions of article 23 and Islamic sharia, the State of Kuwait would apply Islamic sharia, as per article 2 of the Constitution of Kuwait.

4. Any review of position concerning the reservations or interpretive declarations issued in regard of certain articles is up to the legislature of the State of Kuwait, which is the body entrusted with such matters.

B. Reply to paragraphs 2 and 3 of the list of issues

5. Article 2 of the Act under which the National Bureau for Human Rights was set up states that an independent office (the Bureau) is to be established under the supervision of the Council of Ministers. The aim of the Bureau is to promote and protect human rights and to disseminate and promote respect for public and private freedoms, in the light of the Constitution and of the international treaties ratified by the State of Kuwait and in a manner that does not conflict with article 2 of the Constitution.

6. The Bureau has legal personality and is independent in the conduct of its functions and duties and in the exercise of its mandate under the Act. Article 6 of the Act states that the Bureau's administrative board is to be vested with certain powers with a view to achieving the objectives of the Bureau; these include drawing up the draft budgets and preparing the final accounts. Table 1 (attached) shows the activities undertaken by the National Bureau for Human Rights, including the number of complaints received.

7. The Kuwait Institute for Judicial and Legal Studies attaches great importance to training members of the judiciary in human rights principles. Modules covering those principles are part of the foundation course for law students nominated to work as deputy prosecutors. Table 2 (attached) shows the courses organized by the Kuwait Institute for Judicial and Legal Studies.

C. Reply to paragraph 4 of the list of issues

8. Bribery is one of the corruption offences enumerated under article 22 of Act No. 2 of 2016 concerning the establishment of the Anti-Corruption Authority. Kuwaiti legislators have thus designated bribery as a corruption-related offence and their efforts in that regard have not been limited merely to combating the crime.

9. Act No. 31 of 1970 amending certain provisions of the Criminal Code (Act No. 16 of 1960) includes penal and punitive provisions intended to prevent and combat all forms of bribery in public office. With a view to combating bribery in the private as well as the public sector, the Anti-Corruption Authority has been working on a bill to amend certain provisions of the Criminal Code, extending those provisions to criminalize, combat and take legal action against persons who perpetrate bribery-related offences in the private sector, with measures analogous to those used in the public sector. In fact, a body of oversight legislation has been issued over recent years, including the Anti-Money Laundering and Financing of Terrorism Act; the Act establishing the Bureau of Financial Controllers; the Act establishing the Anti-Corruption Authority and its implementing regulations; the Public Tenders Act; the Access to Information Act; the Anti-Conflict of Interest Act; and an Act amending certain provisions of the Criminal Code whereby legal persons can be held responsible for corruption-related offences. In addition to this, as part of measures to combat money laundering and the financing of terrorism, the Minister for Trade and Industry has issued Decree No. 4 of 2023 concerning the procedures to be followed to identify effective beneficiaries. Unquestionably, the trend towards expanding, developing and updating legislative and procedural structures serves to reduce and combat crimes involving public office, chief among them bribery-related offences.

10. The authority to investigate crimes in general lies, as a matter of course, with the competent judicial body (the Office of the Public Prosecution or the investigating judge, as the case may be), as per article 167 of the Constitution. That article stipulates: "The Office of the Public Prosecution pursues cases on behalf of society. It supervises the actions of the police and oversees the application of criminal legislation, the pursuit of offenders and the enforcement of sentences." According to article 27 of the Act establishing the Anti-Corruption Authority, investigations and other actions in cases of corruption are the exclusive jurisdiction of the Office of the Public Prosecution. For its part, the Authority is to be responsible for receiving reports; collecting evidence, information, data and documents; taking statements; overseeing measures for the seizure and recovery of the proceeds of corruption; protecting whistle-blowers; and receiving and examining statements of financial disclosure, in accordance with articles 4 and 5 of the Act establishing the Anti-Corruption Authority.

11. Under article 4 of Act No. 2 of 2016, the Anti-Corruption Authority is vested with powers to prevent and combat corruption, as follows:

- (a) Consolidating the principle of transparency and integrity in economic and administrative transactions so as to ensure the rational administration and optimal utilization of State funds, resources and assets;
- (b) Implementing the United Nations Convention against Corruption, which was approved under Act No. 47 of 2006, and other international other anti-corruption treaties that might be approved in the future;
- (c) Working to combat corruption and to avert its perils and effects, prosecuting perpetrators and seizing and restoring the proceeds of corruption, in accordance with the law;
- (d) Protecting State agencies from bribery and from the exploitation and abuse of authority in pursuit of personal advantage, and preventing string-pulling and nepotism;
- (e) Protecting persons who report acts of corruption;
- (f) Promoting the principle of cooperation and participation with States and with regional and international organizations that operate in the field of anti-corruption;
- (g) Promoting the role of civil society institutions and organizations in combating corruption and in raising awareness among the public about its dangers and the means and methods whereby it can be prevented.

12. An email address has been set up to receive reports from anonymous sources while, for its part, the Anti-Corruption Authority strives to protect the identity of whistle-blowers, which it does not reveal even to the investigating authorities without a court order. The Authority seeks to discover whether reports from anonymous sources are genuine or

malicious by comparing them with the facts of the cases concerned. Table 3 (attached) shows the number of complaints and reports received by the Anti-Corruption Authority.

13. As to ensuring that whistle-blowers are able to make reports, article 37 of the Act establishing the Anti-Corruption Authority stipulates that all persons are responsible for reporting acts of corruption and that the freedom, security and peace of mind of whistle-blowers is guaranteed under the Act or any other law that envisages similar safeguards. No action of any kind may be taken against persons who report such offences, and the protection of whistle-blowers is the responsibility of the Anti-Corruption Authority.

14. According to article 40 of the same Act, whistle-blowers are to be protected from the moment they make their report, and protection is to be extended, as necessary, to their spouse and to other relatives or persons close to them. In the light of this provision, the Authority has approved protection for 12 applicants having first ascertained that the protection being requested was related to the applicants' role as whistle-blowers.

D. Reply to paragraph 5 of the list of issues

15. The questions posed by the Committee use the term "Bidoon", in which regard it should be emphasized that Amiri Decree No. 467 of 2010, under which the Central Agency was established, employs the term "unlawful residents" and authorizes the Agency to remedy the situation of such persons within a legal and humanitarian framework. In addition to this, the Council of Ministers – at its meeting No. 34/2013 held on 1 July 2013 – issued Decree No. 915 which was distributed as a circular to all State agencies and required them to use the official designation of "unlawful residents" in their correspondence. This action was taken after the Central Agency, having coordinated with government agencies, obtained documents indicating that a large number of those persons actually had other nationalities, meaning that the terms "stateless" or "Bidoon" are incorrect.

16. The granting of nationality is a sovereign right, one that the State evaluates in the light of its own supreme interests. The role of the Central Agency is limited to putting forward the names of persons who fulfil the conditions for obtaining Kuwaiti nationality under the Nationality Act, the road map adopted by the Council of Ministers and the 1965 census. Such persons must have no convictions for offences involving violations of honour or trust and must show that their presence in the country has been constant. Some 17,692 unlawful residents were naturalized between 1992 and the end of 2021.

17. The Central Agency for the Remedy of Situations of Unlawful Residents, in coordination with other national authorities, has rolled out a body of measures to facilitate access to humanitarian services and civil support. The Central Agency issues a user card to registered unlawful residents and a health insurance card to unregistered ones whereby they are able to access all the services envisaged in Ministerial Decree No. 409 of 2011, including free education, free treatment, access to official documents, subsidized foodstuffs, driving licences and care for persons with disabilities. Many services, in fact, are available to unlawful residents and Kuwaitis on an equal footing.

18. All children born in Kuwait – and particularly the children of unlawful residents – enjoy the same rights as Kuwaiti children, and they pursue the same education and follow the same curricula as Kuwaiti students. Table 4 (attached) shows the number of students of both sexes benefiting from the Charitable Fund for Education.

19. As concerns medical care, unlawful residents are treated on an equal footing with Kuwaitis with regard to fees. This matter is regulated by Ministerial Decree No. 86 of 2011, and the Government provides them with comprehensive treatment and dispenses them from the payment of treatment and medication fees. Table 5 (attached) shows the number of persons issued with user cards or health insurance cards. Obtaining official documents of all kinds is an inalienable right that the State recognizes for all persons on its territory, including unlawful residents, in which regard the Central Agency works with the Ministry of Justice and the Ministry of Health. Table 6 (attached) includes statistics pertaining to the official documents issued to unlawful residents during 2021.

20. Unlawful residents are provided with State-subsidized foodstuffs on an equal footing with Kuwaitis.

21. As concerns employment, the Central Agency coordinates with the State authorities responsible for employing illegal residents in both the public and private sectors, depending upon available vacancies and in line with the Agency's own rules and conditions. One of those conditions is that the persons concerned should figure on the 1965 census, although children of Kuwaiti mothers, children of military war veterans, children of prisoners of war and martyrs and the wives of Kuwaitis are all exempt from that condition. Table 7 (attached) shows the number of unlawful residents (male and female) who have been appointed to positions in the public and private sectors.

E. Reply to paragraph 6 of the list of issues

22. The Constitutional Court ruling regarding the unconstitutionality of the provision that criminalizes "imitation of the opposite sex in any way" (contained in article 198 of the Criminal Code, as amended by Act No. 36 of 2007) did not state that the criminalization of imitating the opposite sex was itself illegal. What the Court did in its ruling was to abrogate the provision in question on the grounds that it did not include an objective criterion wherewith to identify an action that was illegal under the law and that the language it contained was too broad and general and admitted various definitions and interpretations. As concerns measures the State has taken to amend its legislation in the light of that ruling, no legislative changes are required in order to implement the Court ruling as, once a ruling has been handed down, the competent authorities are required to take action to rectify the relevant violations.

23. There are currently no plans to amend national legislation with a view to decriminalizing consensual same-sex relations between adults because same-sex relations are criminalized under Islamic sharia which, as stated in article 2 of the Constitution of the State of Kuwait, is one of the country's main sources of legislation.

24. The general principle of anti-racism is enshrined in article 29 of the Constitution of the State of Kuwait, which establishes rules and frameworks for promoting equality, combating racism and upholding human dignity. Principles of justice, freedom and equality are enshrined in article 7 of the Constitution while article 30 includes safeguards for personal freedom. For its part, article 35 affirms absolute freedom of belief and decrees State protection for the freedom to perform religious rites in accordance with established custom, provided that these do not disturb public order or contradict morals. It should be noted that Kuwait acceded to the International Convention on the Elimination of All Forms of Racial Discrimination pursuant to Act No. 33 of 1968.

25. In order to uphold the principle of equality, the Kuwaiti Constitution decrees equal rights and duties for all persons before the law. National legislation abides by this principle; for example, Act No. 16 of 1960 promulgating the Criminal Code, states that the Code is equally applicable to all persons who commit an offence within the territory of the State of Kuwait.

26. The Criminal Code also includes provisions to criminalize the dissemination of pernicious principles that could have an impact on the existing social or economic order. In fact, the Kuwaiti Criminal Code (Act No. 16 of 1960) contains several texts intended to counter and criminalize all forms of discrimination and racism (arts. 101, 109 and 111).

27. Article 1 of Decree-Law No. 19 of 2012, concerning the protection of national unity, prohibits the advocacy or incitement – using any of the means of expression provided for in article 29 of Act No. 31 of 1970, amending certain provisions of the Criminal Code – of hatred or contempt.

28. Article 46 of Private Sector Employment Act No. 6 of 2010 stipulates: "Workers may not be dismissed on grounds of sex, origin or religion."

29. Under Act No. 109 of 2014, article 4 bis was added to Act No. 14 of 1973 concerning the establishment of the Kuwaiti Constitutional Court. The article states: "Any natural or

legal person may bring a case before the Constitutional Court to appeal against any law, decree or regulation, if the person concerned has well-founded misgivings that the decree or regulation is in violation of the Constitution, and if the person has a direct personal interest in the appeal.”

30. Act No. 17 of 2020 amended certain provisions of Printing and Publications Act No. 3 of 2006 with the addition of a paragraph 11 which prohibits the publication of material that would “incite sectarian or tribal discord or propagate ideas regarding the superiority of any race, group, colour, origin, religious sect, sex or lineage, or incite an act of violence to that end”. Persons who perpetrate such actions are, under article 27 of the Act, liable to a fine.

31. Under article 11 of Audiovisual Media Act No. 61 of 2007, licence holders are prohibited from broadcasting or rebroadcasting anything that would “impinge upon the dignity, private life or religious beliefs of persons, or advocate or incite hatred and contempt for any group in society”. Persons who perpetrate such actions are, under article 13 of the Act, liable to a fine.

32. In order to reinforce this, article 7 of Cybercrime Act No. 63 of 2015 stipulates that persons using the Internet or any other form of information technology envisaged in the Act to commit the actions set forth in articles 19, 20 or 21 of the Act are liable, depending upon the case, to the penalties envisaged in article 27 (1), (2) and (3) of the Printing and Publications Act.

F. Reply to paragraph 8 of the list of issues

33. It should be recalled that, at the time of ratifying the Covenant, Kuwait issued an interpretative declaration regarding its compliance with the provisions of article 2 (1) and article 23. That declaration clearly stipulated that, in the event of a conflict between the provisions of article 23 and Islamic sharia, the State of Kuwait would apply Islamic sharia, as per article 2 of the Constitution of Kuwait.

34. On this basis, legislators decided, in the event of any uncertainty regarding the interpretation of article 23, to turn to the interpretive declaration, which leaves no room for doubt that, in the event of a conflict between the provisions of the International Covenant on Civil and Political Rights and the provisions of Islamic sharia, the State of Kuwait is to apply the latter. With reference to the existence of any conflict between sharia and article 29 of the Constitution, which prohibits discrimination on the basis of gender, among other grounds, it should be noted that article 2 of the Constitution identifies Islamic sharia as one of the main sources of legislation. The provisions of Personal Status Act No. 51 of 1984 also derive from Islamic sharia, and thus no conflict exists. Legislators have also enacted Act No. 109 of 2014, under which article 4 bis was added to Act No. 14 of 1973 concerning the establishment of the Kuwaiti Constitutional Court. The article states: “Any natural or legal person may bring a case before the Constitutional Court to appeal against any law, decree or regulation, if the person concerned has well-founded misgivings that the decree or regulation is in violation of the Constitution, and if the person has a direct personal interest in the appeal.” This means that all persons in Kuwait may lodge an appeal before the Constitutional Court if a law or regulation violates a constitutional provision, including the principle of equality and non-discrimination.

35. The Nationality Act was promulgated by Amiri Decree No. 15 of 1959, not No. 38 of 1959 as stated in the question. The State currently has no plans to amend the Nationality Act to enable Kuwaiti women married to non-Kuwaiti men to transfer their nationality to their husbands. Legislators, in fact, consider that the foreign husband of a Kuwaiti woman already has his own nationality, that he is treated in Kuwait on that basis and that there is no need to grant him Kuwaiti nationality. The reason for not agreeing to confer Kuwaiti nationality on the foreign husbands of Kuwaiti women is that they would then be able to pass it on to their children who would transfer it to their own offspring and so on. This is felt to be unnecessary as the husband may not have performed any service for the State that would entitle him to Kuwaiti nationality, which would then be passed down through the generations. It should be noted, moreover, that there are provisions in the Nationality Act that do give such persons the right to obtain Kuwaiti nationality: if they perform some great service on behalf of the

State, as stipulated in article 5, or if they fulfil the conditions set forth in article 4. One reason that foreign women married to Kuwaiti men are entitled to nationality is that such nationality remains a personal attribute that they cannot transmit to succeeding generations.

36. The State of Kuwait has advanced 13 places in the Global Gender Gap Index of the World Economic Forum, reaching the 130th place globally in 2022, as compared to 143rd place in 2021. It ranked seventh in the Arab world and third in the Gulf.

37. The Kuwait Vision 2035 and the country's third development plan 2020–2025, which has the title "Empowering the private sector", both focus on the economic empowerment of women. This is to be achieved via a programme "to promote the capabilities of citizens and institutions" and by a general policy underpinning the programme "to support the integration and social, economic and political participation of young persons, women, persons with disabilities and older persons". Specifically, women are to be encouraged to pursue employment, education and leadership positions in both the public and private sectors. The programme also seeks to empower women and to ensure that they can participate effectively and on an equal footing in leadership roles. Table 8 (attached) illustrates the political empowerment of Kuwaiti women.

38. The Government's programme of work during the current legislative term (2022–2026) aims to empower women by ensuring that 30 per cent of leadership positions are occupied by them, via the following:

- (a) Combating all forms of discrimination and violence against women;
- (b) Implementing a citizens' job-creation strategy in the private sector;
- (c) Employing young persons in both the public and private sectors;
- (d) Ensuring that appointment to leadership positions is governed by criteria of competence and merit;
- (e) Providing the national workforce with the skills required on the private-sector labour market.

39. In order to highlight the role of women in leadership, the secretariat of the Supreme Council for Planning and Development set up a "women and business committee" in 2021. The committee, which consists of a group of prominent women, aims to achieve Goal 5 of the Sustainable Development Goals, to realize the Kuwait Vision 2035 "New Kuwait" and to improve the legislative environment so as to enable the largest possible number of women to enter leadership positions in the private sector. Table 9 (attached) shows the proportion of Kuwaiti women in leadership positions in all sectors and the proportion of female involvement in the Kuwaiti labour market.

40. Under article 26 of Private Sector Employment Act No. 6 of 2010, women are entitled to the same wages as men. The text reads: "Women are entitled to the same wages as men if they undertake the same work." It should also be noted that Ministerial Decree No. 177 of 2021 regarding discrimination in private-sector employment prohibits sexual harassment in the workplace.

G. Reply to paragraph 9 of the list of issues

41. In implementation of Article 3 of Anti-Domestic Violence Act No. 16 of 2020, a national committee against domestic violence was formed under Ministerial Decree No. 4 of 2023. It has the following areas of responsibility:

- (a) Formulating public policy aimed at protecting and consolidating families, addressing all issues relating to domestic violence and drafting and following up on plans of action;
- (b) Reviewing national legislation and making proposals and recommendations for the amendment or abrogation of provisions that are inconsistent with the objectives of the Act;

(c) Coordinating between official institutions and civil society bodies in relation to domestic violence;

(d) Developing and running training programmes for all persons involved in the enforcement of the Act.

42. In addressing cases of domestic violence, the Supreme Council for Family Affairs has taken the following measures:

(a) The Department for Shelters – the Fenner Shelter – has taken in a number of victims of domestic violence; cases are referred for examination by psychologists and social workers at the Social Development Office;

(b) Reports and complaints are received and examined by the Department for Shelters; a casenote is then opened, and action is taken to verify the accuracy of the report and to determine whether the party involved wishes to continue to seek assistance and protection;

(c) Case reports are received from the Ministry of the Interior, the Office of the Public Prosecution, social media and individual reports filed by the person affected;

(d) Cases are referred to the competent bodies for social, health, legal and psychological assistance;

(e) Counselling and legal services are provided to persons who so wish;

(f) The individuals involved and their relationship with their relatives are kept under regular observation, and they are referred to the Social Development Office for counselling, psychosocial care, rehabilitation, reinsertion into their families and reintegration into society;

(g) In all, 14 persons of different nationalities benefitted from the services of the Fenner Shelter during 2022.

43. A rapid intervention team led by the Supreme Council for Family Affairs was established under Administrative Decree No. A/1436 of 2020 to monitor and check up on victims of domestic violence during the coronavirus disease (COVID-19) pandemic. The team, the members of which come from a number of competent institutions, received complaints of violence against women and children, in which regard it took all the measures envisaged in article 79 of the Children's Rights Act.

44. The action plan of the Supreme Council for Family Affairs envisages coordination with State authorities with a view to collating data relating to domestic violence.

45. The family court was established under Act No. 12 of 2015, which stipulates that such a court is to be created in each governorate, with a mandate to consider all cases involving questions of personal status. In that regard, the Ministry of Justice issued Ministerial Decree No. 113 of 2016 under which two superintendencies were created within the Family Counselling Department: a superintendency for child placement and visitation, and a superintendency for the settlement of family disputes and the prevention of domestic violence. Their jurisdiction is to include the following:

(a) Drafting questionnaires to determine the presence of domestic difficulties;

(b) Settling domestic disputes and providing advice and guidance;

(c) Protecting family members from violence or abuse from other members, and finding appropriate solutions;

(d) Coordinating with the authorities to review certain pieces of law and legislation related to the rights of victims of violence, with a view to protecting their human dignity;

(e) Working to gain the trust of abuse victims, especially children, and to assist them;

(f) Addressing the family disintegration caused by domestic violence.

46. Ministerial Decree No. 115 of 2016 includes provision to create and regulate centres for the settlement of domestic disputes and the protection of family members from violence and abuse. The centres, which exist in each governorate where they are dependent upon the

family court, seek to settle family conflicts and to protect members of a household from violence and abuse inflicted by another member. Their duties include the following:

- (a) In cases that do not involve personal status and are not urgent, the party concerned may, before having recourse to the family courts, submit an application for settlement to the centre for the settlement of family disputes;
- (b) The application for settlement is accepted and a session is organized at which the two sides discuss their difficulties in the presence of an expert from the centre, who listens to what they have to say then dispenses advice and guidance. A record of the discussions is to be drawn up;
- (c) The dispute is to be settled within 15 days of receiving the application although the period may be extended, with the agreement of the parties, to up to 60 days;
- (d) If either of the two parties to a dispute does not accept an amicable solution, this is to be noted in the record and the matter is referred to the competent family court.

H. Reply to paragraphs 10 and 11 of the list of issues

47. Kuwaiti legislators have been at pains to ensure that death sentences and their implementation are surrounded by a number of procedural safeguards, the most important of which are listed below:

- (a) Death sentences are handed down only for the offences that most seriously endanger the security, the interests or the stability of society;
- (b) It is prohibited to carry out a death sentence against a pregnant woman. If she delivers a live infant, the sentence is suspended and the case referred back to the court that imposed the death penalty so that it can be commuted to a term of life imprisonment;
- (c) A death penalty may not be imposed against persons who are mentally unfit;
- (d) The death sentence can be carried out only on the basis of a final judgment handed down by a competent and impartial court following numerous legal procedures aimed at ensuring a fair and impartial trial of the accused;
- (e) As a way of upholding the rights of the persons concerned, persons facing a sentence of death have the right to request a special pardon, to be included under a general amnesty or to have their sentence commuted or overturned;
- (f) Every death sentence imposed by a criminal court is automatically referred by the court to the Court of Appeal, within one month of the date on which the sentence was handed down, if the convicted person himself has not filed an appeal (article 211 of the Code of Criminal Procedure);
- (g) In all cases, the enforcement of a death sentence is suspended until a final decision has been taken on appeal proceedings, requests for pardon or applications for commutation of the penalty;
- (h) With a view to enhancing protection, death sentences are carried out only with the approval of the Amir. The condemned person is kept in prison until the Amir decides to approve or commute the sentence or to issue a full pardon (article 217 of the Code of Criminal Procedure).

48. As per article 6 of the International Covenant on Civil and Political Rights, the death sentence is not handed down or carried out in the State of Kuwait save for the most serious crimes, and it is surrounded by numerous legal procedures and safeguards all of which are consistent with article 6 (2) of the Covenant. Table 10 (attached) shows the offences that are punishable by death.

49. The National Centre for Occupational Health and Safety seeks to create a secure and risk-free working environment without workplace injuries and accidents or occupational diseases. It also works to disseminate and promote a culture of occupational health and safety

in society. Tables 11 and 12 (attached) provide statistics concerning workplace deaths, accidents and injuries in the years 2021 and 2022.

50. Ministerial Decree No. 535 of 2015 designates a period in the afternoon during which work is forbidden: from 11 a.m. to 4 p.m. between 1 June and 31 August of each year.

51. In addition, the Public Authority for the Workforce has tightened its supervision over areas in which work can be difficult due to extreme weather conditions. To that end, it undertakes tours of inspection to monitor activities in workplaces where long-term exposure to high temperatures renders activity difficult during normal working hours. This includes workers who work in the open air such as construction workers, cleaners and agricultural workers. The Public Authority for the Workforce has also introduced a series of measures that employers are required to take in order to protect workers from potentially fatal heat stress. The most significant of those measures are:

- (a) Providing workers with sufficient quantities of cold water and fluids;
- (b) Raising awareness among workers by means of signs and leaflets;
- (c) Providing first aid training on how to deal with heat stress;
- (d) Reducing physical demands on workers;
- (e) Using a greater number of workers for physically demanding tasks;
- (f) Providing periods of rest and drinking water;
- (g) Providing rest areas that are cool and in the shade, if possible;
- (h) Monitoring workers who are at risk of heat stress;
- (i) Encouraging workers to look out for signs of heat stress in themselves and their colleagues;
- (j) Supplying workers with light-coloured work clothing that is loose and allows the air to circulate, such as cotton clothing;
- (k) Providing personal protective equipment as necessary and ensuring that it is properly used as otherwise it can interfere with body cooling and sweating. Table 13 (attached) concerns work in the afternoon hours.

I. Reply to paragraph 12 of the list of issues

52. A legislative development committee in the Ministry of Justice has prepared a bill to amend article 53 of Act No. 31 of 1970, which amends certain provisions of the Criminal Code (Act No. 16 of 1960), to bring it into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Table 14 (attached) shows the torture-related complaints that have been referred to the courts.

J. Reply to paragraph 13 of the list of issues

53. The Code of Criminal Procedure (Act No. 17 of 1960), as amended by Act No. 35 of 2016, regulates the cases in which an individual's freedom may be restricted before being convicted by the courts. Such restriction of freedom takes the form of pretrial detention which, legislators have decreed, is permissible on the grounds that it may serve the interests of the investigation. Article 60 of Act No. 35 of 2016 stipulates: "Under no circumstances may a person who has been arrested remain in custody for a period exceeding 4 days, in the case of felonies, or 48 hours, in the case of misdemeanours, without a written pretrial detention order from the investigator." According to article 60 bis: "During the period stipulated in article 60, police officers are to allow accused persons to contact a lawyer or to communicate with a person of their choice to inform them of the situation."

54. It is clear from this that legislators have devised guarantees for accused persons under the Code to the effect that they are not to remain in custody for longer than the period stipulated in article 60 except under a written order from the investigating authority, and that,

during that time, they are to be allowed to contact a lawyer or to communicate with a person of their choice to inform them of the situation.

55. As concerns the procedural guarantees that grant investigators rather than judges the power to order detention, it should be noted that the Constitution of Kuwait has an entire chapter (arts. 162 to 173) devoted to the judiciary. It states that the honour of the judiciary and the integrity and fairness of judges safeguard governance and guarantee rights and freedoms. No one can exercise authority over judges when they are making their judgments, and under no circumstances can anyone interfere with or obstruct the course of justice. The independence of judges, the guarantees they enjoy and the fact that they cannot be dismissed from their posts are upheld in numerous legal provisions.

56. In line with what is a prevailing trend also in other States, article 167 of the Kuwaiti Constitution envisages an independent judicial body, separate from the courts and other judicial organs, under the name of the Office of the Public Prosecution, which takes legal action on behalf of the public in criminal cases. Article 167 reads: “The Office of the Public Prosecution pursues cases on behalf of society. It supervises the actions of the police and oversees the application of criminal legislation, the pursuit of offenders and the enforcement of sentences. The jurisdiction of the Office, and the conditions and safeguards governing the persons who exercise its functions are regulated by law.” Under paragraph 2 of the same article, the authorities responsible for public security may, in exceptional cases, conduct prosecutions in misdemeanour cases, in circumstances set forth in the law. The text reads: “As an exception, the authorities responsible for public security may be entrusted under the law with the conduct of prosecutions in misdemeanour cases, in the manner prescribed by law.”

57. It is clear from this that the aim of the legislators who drafted the Constitution was to establish a single Office of the Public Prosecution with a mandate to represent the public in court proceedings, unless a law is enacted granting the authorities responsible for public security a mandate to conduct prosecutions in misdemeanour cases, as authorized by the Constitution. The explanatory memorandum to the Constitution states that the authorities responsible for public security were invested with the power to conduct prosecutions in misdemeanour cases in the light of the situation of Kuwait at that time, and that this, in any case, was to be an exception with the eventual goal being that the public prosecution should be conducted by a single body, the Office of the Public Prosecution, as envisaged in the Constitution.

58. The law, then, envisages this exception and allows the authorities responsible for public security to represent the public by conducting prosecutions in misdemeanour cases. In that connection, article 9 of Act No. 17 of 1960 promulgating the Code of Criminal Procedure stipulates: “The Office of the Public Prosecution has the authority to pursue investigations and to conduct proceedings in criminal cases, while the authority to pursue investigations and to conduct proceedings in misdemeanour cases lies with investigators appointed for that purpose by the Directorate for Police and Public Security. Police officers appointed in line with the rules of procedure envisaged in article 38 of the present Code also have the capacity of investigators. The Office of the Public Prosecution may refer any criminal case to investigators or police officers for investigation, while the head of the Directorate for Police and Public Security may designate the Office of the Public Prosecution to investigate and conduct proceedings in any misdemeanour case, if the circumstances and significance of the case so require.”

59. Article 2 of Act No. 16 of 1960 promulgating the Criminal Code designates different kinds of offence. It stipulates: “Offences under the present Code are of two kinds: crimes (felonies) and misdemeanours.” Article 3 of the Code then goes on to define the former category. It reads: “Crimes are offences that attract the death penalty, life imprisonment or a term of imprisonment in excess of 3 years.” Misdemeanours are defined in article 5 of the Code as “offences that attract a term of imprisonment of up to 3 years and/ or a fine”.

60. It follows, then, that the exception envisaged in article 167 of the Constitution is restricted to cases involving misdemeanours, which attract at the most a fine and up to 3 years’ imprisonment. Following the enactment of the relevant law, the Directorate for Police and

Public Security has appointed several civilians to conduct investigations into misdemeanours, providing them with the safeguards necessary to conduct their duties in an optimal fashion.

61. In practice this exceptional provision – which was endorsed by Kuwaiti legislators and under which investigations in misdemeanour cases are entrusted to the General Department for Investigations – has shown itself to be advantageous, because misdemeanours are much more numerous, diverse and widespread than crimes (felonies). The provisions laid down by Kuwaiti legislators in the Code of Criminal Procedure are equally applicable to members of the Office of the Public Prosecution, who pursue investigations and conduct proceedings in criminal cases, and to members of the General Department for Investigations, who pursue investigations and conduct proceedings in misdemeanour cases. Acting separately, each of those two bodies conducts investigations and issues orders regarding the offences that fall within its mandate, their aim being to achieve justice, which is being sought alike by the parties to the cases in question and by society as a whole.

62. Among the orders they are empowered to issue in pursuit of justice are orders to hold in custody persons accused of certain offences. This happens only after the persons in question have given their statements and been confronted with the charges against them, during which time they are allowed to defend themselves and to be accompanied by a lawyer during questioning, if they so request. Such orders, including pretrial detention orders, have been endorsed by legislators in order to prevent accused persons from fleeing justice or interfering with an investigation, as well as to ensure the security and stability of society.

63. It should be noted that, although Kuwaiti legislators have invested the investigating authorities with the power to issue pretrial detention orders, this matter still remains under the control of the courts, as set forth in article 69 of Act No. 17 of 1960 promulgating the Code of Criminal Procedure, which stipulates: “If they are of the view that the interests of the investigation require that an accused person be held on remand, to prevent him either from fleeing or from interfering with the course of the investigation, investigators may order that the accused be held on remand for a period of not more than 3 weeks in criminal cases and not more than 10 days in cases involving misdemeanours, from the date of arrest. Persons being held in pretrial detention may lodge an appeal against a detention order before the court mandated to renew that order, and the president of the court must rule on the appeal within a period not exceeding 48 hours from the date of its submission. If the court rules to reject the appeal, it must explain the reasons for its decision. Before the expiry of the detention period, the accused person must be brought before the president of the court for him to consider whether or not to renew the detention order. Each time, the president of the court can rule that the detention order should be extended for a period not exceeding 15 days in criminal cases and for 10 days in misdemeanour cases, on condition that in no circumstances does the total period of pretrial detention exceed 80 days in criminal cases and 40 days in misdemeanour cases, from the date of arrest. No pretrial detention order is to be issued until after taking the statement of the accused person. In no case is pretrial detention applicable to persons who are merely exercising their right to freedom of opinion and of expression by oral, written, pictorial or other means, including via the media and social media.”

64. The Ministry of the Interior is making every effort to reduce overcrowding, a phenomenon that is in any case limited to the Central Prison and the General Prison. There are inmates and detainees housed in prisons (Central Prison, General Prison, Women’s Prison) and in the Department for Deportation and Temporary Detention. Table 15 (attached) shows number of prison inmates as of 25 January 2023, compared with prison capacity. The Ministry of the Interior is directing all its energies to finding a solution to mitigate this phenomenon, via the following measures:

- (i) Expediting the construction of a prison complex building that meets international specifications and standards; i.e., a men’s prison with capacity for 5,000 inmates, a women’s prison with capacity for 1,000 inmates, a building to house the Department for Deportation and Temporary Detention and a building to house the Department for Aftercare);
- (ii) Replacing penalties with community work, pursuant to article 235 of the Code of Criminal Procedure (Act No. 17 of 1960);

- (iii) An amnesty issued each year by the Amir on the occasion of national festivities, which benefits many inmates, either through immediate release or through reduction of sentence; the amnesty is applicable to inmates who fulfil certain rules and conditions;
 - (iv) Release on health grounds, pursuant to article 80 of Prisons Act No. 26 of 1962, according to which an inmate whose state of health condition has deteriorated and is causing concern can be released on the advice of a medical committee;
 - (v) Conditional release, pursuant to article 87 of the Criminal Code (Act No. 16 of 1960), which stipulates: "Persons sentenced to a term of imprisonment may be conditionally released once they have served three quarters of their sentence, on condition that they have spent at least one year in prison, that they have a record of good behaviour and that their release would not be prejudicial to security";
 - (vi) Placement of drug users in a clinic designated by the Minister of Health, pursuant to article 33 of Drugs Act No. 74 of 1983, which states: "Rather than imposing the penalty envisaged in the preceding paragraph, the courts may order that a proven drug user be placed for treatment in a clinic to be designated by the Minister of Health";
 - (vii) Use of electronic bracelets. This system requires persons who have been released from custody to reside in a particular location for a certain period or during certain times; their movements can then be monitored remotely to ensure that they remain in their place of residence or within a delimited area they are authorized to frequent. Electronic tagging is applied under Decree No. 16 of 2021, dated 23 May 2021, which contains the regulations for the enforcement of the electronic monitoring system on persons sentenced to custodial penalties;
 - (viii) Applying prisoner exchange agreements between the State of Kuwait and other countries.
65. The Ministry of the Interior is constantly seeking to expand the use of alternative penalties, so as to provide the highest level of services to inmates of correctional institutions.
66. As concerns access to services, including health care, the Ministry of the Interior is very careful to protect public health and hygiene and, in particular, to provide health care for inmates in prisons and in the Department for Deportation and Temporary Detention. Such care is provided under the supervision of the Ministry of Health, as follows:
- (i) The Central Prison has its own hospital and medical centres, with specialized medical and nursing staff from the Ministry of Health;
 - (ii) Each prison has a medical clinic, which provides health-care services to all inmates without discrimination on any grounds; new inmates undergo a medical examination on the day of entry into the prison;
 - (iii) Inmates, both male and female, undergo regular medical examinations and the medication prescribed for them by the prison doctor is duly dispensed;
 - (iv) Various kinds of medical care are regularly provided to inmates who so wish, and there are regular visits to outside clinics for chronic cases that require follow-up, either on a weekly basis or as their state of health requires. Care is also provided by doctors in the prison hospital doctors or by visiting specialists from the Ministry of Health. In addition to this, round-the-clock emergency care is available;
 - (v) Approved vaccines (meningitis, hepatitis, pneumonia and seasonal influenza) are administered to all inmates, depending upon their age and state of health, and their condition is periodically monitored;
 - (vi) Cases or suspected cases of infectious diseases are treated in accordance with the relevant international protocols; for example, tuberculosis, AIDS, hepatitis and others;
 - (vii) Doctors from the Central Prison hospital visit the Department for Deportation to examine and report on the state of health of persons awaiting deportation;

- (viii) Inmates of both sexes, depending upon their state of health, are allowed to visit external clinics and hospitals;
- (ix) Various means are used to educate inmates about health-related matters;
- (x) Prisons and prison facilities are inspected on a regular basis and monthly reports and recommendations are issued concerning living conditions, ventilation, lighting, potable water sources, food safety, overcrowding and pest and rodent control;
- (xi) Inmates of both sexes are provided with regular meals – breakfast, lunch and dinner – with due regard for inmates who are older or ill;
- (xii) Action is taken to meet all the needs of children accompanying their mothers who are in the Women’s Prison or awaiting deportation;
- (xiii) Preventive health measures for prison inmates and persons awaiting deportation are constantly supervised and any recommendations made are duly implemented.

K. Reply to paragraph 14 of the list of issues

67. The Public Authority for the Workforce strives to reduce the exploitation or ill-treatment of domestic workers, to combat any form of violence against them and to prevent any infringement of their rights. To that end, the Department for Regulating the Recruitment of Domestic Workers gives serious consideration to any complaints it receives from workers and provides them with the necessary assistance and support.

68. The Public Authority for the Workforce has been anxious to raise awareness in society about the culture of legality and the rights and obligations of domestic workers. It has also acted to emphasize employers’ obligations under Domestic Workers Act No. 68 of 2015 and has sought to prioritize the needs of domestic workers, as they are the weaker party in the contractual relationship. In addition to this, the Public Authority has facilitated the filing of complaints on the part of domestic workers via email, through their embassies or by appearing in person, and it provides them with support and assistance. If it is found that workers have been attacked or ill-treated, if their wages have not been paid or if their contract has expired and they have not left the country, the employers are contacted directly to resolve the dispute or to facilitate recourse to the courts.

69. The Public Authority for the Workforce has developed and adopted a model employment contract which the contracting parties – the domestic worker, the employer and the recruitment bureau – are required to respect. The Authority has also conducted a review of the implementing regulations of Domestic Workers Act No. 68 of 2015 with a view to providing greater protection for the rights of domestic workers and the other contracting parties. In that connection, Ministerial Decree No. 22 of 2022 was issued regarding the implementing regulations of Domestic Workers Act No. 68 of 2015.

70. Educational brochures on the rights and duties of domestic workers have been drafted in Arabic and translated into other languages (English, Urdu, Filipino and French). In addition, the Authority has at various times launched educational campaigns with the intention of promoting legal knowledge about the rights and obligations of domestic workers and of the other parties to the domestic employment contract (the domestic worker, the employer and the recruitment bureau). This information has been published online and via social media.

71. With regard to the enforcement and monitoring of Domestic Workers Act No. 68 of 2015, the Department for Regulating the Recruitment of Domestic Workers provides follow-up in the form of periodic inspections of recruitment bureaux to ensure that they are not violating the provisions of the Act. The Act itself contains provisions intended to deter employers from confiscating the passports of domestic workers and envisages penalties for anyone violating those provisions, if it can be shown that an employer did effectively withhold a worker’s passport. Such a course of action on the part of an employer would be considered to be a breach of the contract of employment and of Act No. 68 of 2015, and would lead to the Department for Regulating the Recruitment of Domestic Workers to refuse

entry permits for that employer for a period of 6 months, as per article 30 of Act No. 68 of 2015. For its part, article 32 of Ministerial Decree No. 22 of 2022 stipulates: “If, before the competent department, a complaint is proven against an employer for violating the obligations imposed under the law, or the employer does not take the domestic worker from the employment bureau without a valid reason, or the employer fails to appear for questioning when summoned, the department has the right to stop issuing domestic-worker entry visas for that employer for a period of 6 months. That period is to be redoubled in the event of repeat offences.” Table 16 (attached) provides statistics concerning labour-related complaints.

L. Reply to paragraphs 15, 16 and 17 of the list of issues

72. The Public Authority for the Workforce seeks to ensure that workers are able to report any instances of forced labour, exploitation and abuse to the public authorities. To this end, the Authority facilitates the filing of complaints on the part of domestic workers via email, through their embassies or by appearing in person, and it provides them with support, assistance and legal protection, without infringing any of their rights envisaged in Domestic Workers Act No. 68 of 2015. In this regard, it focuses particularly on the needs of domestic workers, as they are the weaker party in the contractual relationship.

73. With regard to limiting the use of the *kafalah* sponsorship system, there are a number of legislative provisions (some of them listed below) that aim to remove any suspicion that employers might be exploiting their workers:

- (a) The obligation on employers to transfer the worker’s wages into a bank account in his or her name;
- (b) Administrative Decree No. 842 of 2015, which sets the conditions whereby workers may change jobs without their employer’s consent;
- (c) Decree No. 14 of 2017 setting the minimum wage;
- (d) Act No. 109 of 2013 regarding the Public Authority for the Workforce, article 3 of which states: “The Authority shall have the exclusive authority to recruit migrant workers in the private sector and the petroleum sector, on the basis of a request from the employer providing details of the workers to be recruited. The Minister shall issue decrees delineating the relevant procedures, documents and fees.” The Act has given the Public Authority greater powers to regulate the recruitment of workers and has enabled it to play a vital role in facilitating the transfer of workers from one employer to another, as it sees fit and within the framework of the law. This, in fact, is what the Public Authority is currently doing;
- (e) A legislative amendment under Act No. 32 of 2016, which altered certain provisions of Private Sector Employment Act No. 6 of 2010. The amendment, which increases penalties for certain violations of the Act, was brought in as a way to provide legal protection for migrant workers on the labour market;
- (f) Private Sector Employment Act No. 6 of 2010 contains provisions related to labour inspection under which inspectors, in their capacity as the primary guarantors of the enforcement of the Act, are invested with comprehensive powers and granted the status of judicial officials. For its part, the Kuwaiti Government constantly reviews inspection mechanisms with a view to improving them and making them more consistent with the needs of the labour market.

74. Acting upon the international obligations it acquired following its ratification of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, Kuwait enacted Prevention of Trafficking in Persons and Smuggling of Migrants Act No. 91 of 2013. The Act envisages penalties intended to deter potential offenders as well as measures to help and protect victims, and its states that the Office of the Public Prosecution or the competent court is to refer the victims for medical attention and social care so that they can receive the treatment and intention they require. The

Office of the Public Prosecution is responsible for pursuing criminal proceedings in such cases.

75. The operation of the national referral system involves a number of stages and procedures, including victim identification, then case reporting, referral, documentation, investigation, prosecution, protection and assistance and, finally, voluntary return and reintegration. Stakeholders are involved at every stage of the system, which is intended to act as a guide to help identify and protect victims and to bring offenders to justice. Table 17 (attached) shows complaints and investigations related to human trafficking.

76. Chapter VI of Private Sector Employment Act No. 6 of 2010 focuses on the issue of labour inspections. The Act designates the Labour Inspection Department as the body responsible for controlling the labour market in the private sector and the petroleum sector, ensuring the correct enforcement of the Act and guiding employers in that regard. The inspections themselves are carried out by specialized staff who, under a decree issued by the competent Minister, have the status of judicial officials. The inspectors have full jurisdiction to monitor the extent to which an employer is meeting his obligations vis-à-vis the workers he is authorized to employ, either from inside the country or from abroad, as recorded in the employer's file at the Public Authority for the Workforce. Morning and evening inspections are carried out to monitor establishments that are supposed to be closed or that are non-existent, and steps are taken to verify whether they are operational.

77. If the Labour Inspection Department finds that employers in the private or petroleum sectors are failing to fulfil their obligations under the Act or its implementing decrees, the files of the offending employer are suspended and, if the violations concerned are found to be serious, the suspension becomes permanent and the employer in question is referred to the investigating authorities. If there is any suspicion of human trafficking, the matter is referred to the Office of the Public Prosecution. It should be noted that, if employers violate salary-payment regulations, the Labour Inspection Department has the power to suspend the employers until the violation has been rectified and workers' due salary has been disbursed.

78. The Labour Inspection Department seeks to verify reports from employers that their workers are no longer working for them, the aim being to ensure that there is no malicious intent on the part of employers, particularly as such reports have a negative effect on the workforce. One of the duties of the Labour Inspection Department is to ensure that government work contracts are being respected, vis-à-vis both the requirement to employ the workers whose names figure in the contracts and the requirement to pay wages regularly and on time. The Department also monitors employers' compliance with measures relating to the departure of workers once their contracts have expired.

79. Another of the duties of the Labour Inspection Department is to oversee workers who have no designated workplace. This is to prevent workers from trickling onto the labour market of the private and petroleum sectors, in violation of the Private Sector Employment Act and its implementing decrees, as that could lead to an excess of labour and cause an imbalance. One way of controlling the labour market, in fact, is to ensure that workers are working in their legally designated places of work. The Labour Inspection Department also conducts its inspections as part of a joint operations committee made up of inspectors from a number of government bodies (the Public Authority for the Workforce, the Ministry of the Interior, the Ministry of Trade and Kuwait Municipality). The committee works jointly to ensure that all commercial and industrial establishments are duly applying the Act to workers in the private and petroleum sectors, and it monitors workers who violate the Act by working for an employer other than the one registered on their file.

80. The Department for Regulating the Recruitment of Domestic Workers, which is part of the Public Authority for the Workforce monitors all advertisements promoting domestic work posted on websites, platforms and social media accounts, which are considered to be a form of human trafficking. In coordination with agencies of the Ministry of the Interior, action is taken to arrest and launch legal proceedings against persons who post such advertisements.

81. Domestic Workers Act No. 68 of 2015 prohibits the unlicensed recruitment of workers, and the Public Authority for the Workforce (Department for Regulating the Recruitment of Domestic Workers) seeks to close any website, social media account or smartphone app that

is being used to recruit domestic labour without a licence, to employ domestic workers on an hourly or temporary basis or to encourage them to waive some of their rights.

M. Reply to paragraph 18 of the list of issues

82. The General Department for Correctional Institutions (Department for Deportation and Temporary Detention) is an executive body that works to enforce both judicial and administrative deportation orders issued by the competent authorities. It seeks to ensure that all persons awaiting deportation, both men and women, leave the country within 72 hours, provided that they have a passport or travel document. As to the claim that the duration of detention prior to deportation can be excessively long and above the limit established by law, this can be due to the following:

- A travel ban imposed by the Office of the Public Prosecution;
- A travel ban imposed by the General Department for Investigations;
- A travel ban imposed by the Ministry of Justice (request for financial disclosure to third parties);
- A case still under investigation;
- A lack of cooperation on the part of certain embassies in issuing travel documents to their nationals;
- Absence of diplomatic representation for nationals of certain States;
- Absence of official documents attesting to the nationality of certain persons awaiting deportation and a failure to recognize them on the part of the embassies of the countries to which they claim to belong.

83. This matter still requires more time for procedures to be finalized with the competent authorities.

84. The General Department for Correctional Institutions (Department for Deportation and Temporary Detention) seeks to enforce judicial and administrative deportation orders against the persons, both men and women, referred to it by various departments within the Ministry of the Interior.

85. Since 1 January 2023, 2,259 persons have been deported, 1,167 men and 1,092 women.

86. Thirty-five persons (32 men and 3 women) awaiting deportation have been detained for more than 30 days, for the reasons given above. Contact has been made with the competent authorities for them to issue rulings so that all procedures relating to those persons can be finalized. The legal grounds on which the relevant decisions were based are as follows:

- Article 16 of Foreign Nationals' Residency Act No. 17 of 1959, regarding the permissibility of deporting foreign nationals, stipulates: "The Minister of the Interior may issue a written order for the deportation of any foreign national, even if the latter has a residence permit, in the following cases:
 - (i) If the foreign national has been convicted of an offence and the sentence of the court recommends deportation (judicial deportation);
 - (ii) If the foreign national has no evident means of subsistence;
 - (iii) If the Minister of the Interior believes that the deportation is required in the public interest or the interest of public security or morality."
- Article 27 of Ministerial Decree No. 957 of 2019 promulgating the implementing regulations of the Foreign Nationals' Residency Act states: "A foreign national may be administratively deported from the country, even if in possession of a valid residency permit, in the following circumstances:
 - (i) If the foreign national has been convicted of a criminal offence or an offence involving a breach of honour or trust;

- (ii) If, over a period of five years, three criminal sentences have been issued against the foreign national, one of which involves deprivation of liberty;
- (iii) If, over a period of five years, four criminal sentences of any kind have been issued against the foreign national;
- (iv) If deportation is necessary in the public interest or the interest of public security or morality.”

87. In all the aforementioned cases, deportation is carried out in coordination with the competent authorities.

88. Administrative deportation is a sovereign act that is subject to the authority and discretion of the Minister of the Interior. It cannot be widely used as it is restricted under article 16 of the Foreign Nationals’ Residency Act to cases involving violations of public order, public security, public morals or the supreme interests of the State, or if the foreign national concerned has no evident means of subsistence. In addition, a letter adducing compassionate grounds against the deportation order may be submitted to the Minister of Interior. Table 18 (attached) provides statistics concerning deportation orders.

N. Reply to paragraph 19 of the list of issues

89. Act No. 31 of 2008 on premarital medical examinations for marriage candidates makes due allowance for privacy. If the results of an examination are clear, the parties concerned are informed that they are free from any of the diseases envisaged in the Act or its implementing regulations. If the results for either of the candidates are positive, the party concerned is duly informed, while fully respecting their privacy and confidentiality and not informing the other party except with written consent, so that there is no impediment to the match.

90. In no case does the Act prevent a union from taking place, unless one of the two parties is underage, in which case the Act admits the possibility of the minor concerned re-expressing their desire to marry once they have attained their legal majority. It should also be noted that, irrespective of their outcome, premarital medical examinations under the Act and its implementing regulations do not discriminate in any way against marriage candidates on grounds of religion, race, religious group or nationality.

O. Reply to paragraph 20 of the list of issues

91. The State of Kuwait makes every effort to ensure respect for freedom of conscience and religious belief, to which end it seeks to disseminate values of moderation and religious tolerance among different groups in society. A national document has been produced that aims to promote restraint and moderation, to strengthen dialogue, tolerance and understanding among civilizations, cultures and religions and to reinforce mutual respect among religions and between different religious values beliefs and cultures. The document also seeks to protect the rights of citizens and migrants and to uphold religious freedoms. These intentions have been given concrete form in events organized by the Ministry of Endowments and Islamic Affairs – such as Friday sermons, lessons, lectures, forums, seminars and conferences – the purpose of which is to raise public awareness about the values of moderation, acceptance of others, respect for human rights and other issues related to human rights and peaceful coexistence in the community, so that society is free from manifestations of extremism and is guided by tolerance and moderation.

92. The Ministry’s fatwa commission has issued several fatwas aimed at prohibiting contempt for other religions, at spreading religious tolerance and at promoting dialogue among civilizations. It has also allowed non-Muslims of both sexes to enter certain mosques, in line with sharia regulations.

93. As concerns the legal and administrative framework governing the registration of religious groups and the granting of licences for the construction of places of worship or religious schools by communities practising religions other than Sunni Islam, it should be

noted that mosques are not subject to any sectarian classification. Anyone can pray and worship in mosques, which belong to God, and requests and licences to build a mosque are governed by the procedures followed by the Ministry and other bodies and do not depend upon the religious affiliation of the applicant. They are treated just like any other administrative procedure irrespective of the religious group to which the applicant belongs.

94. The Ministry also authorizes the opening of places of worship for non-Muslims, in agreement with the relevant authorities, as stipulated in article 2 of an Amiri Decree issued in January 1979.

95. There is currently no move to change the provision whereby naturalized persons are to be Muslims by birth or to have converted to Islam at least five years before being granted Kuwaiti nationality. In fact, article 2 of the Constitution of Kuwait stipulates: "The religion of the State is Islam and Islamic sharia is a major source of legislation." Nationality, moreover, constitutes a legal relationship between the individual and the State and it lies at the core of actions the State can take as a sovereign entity. The State, then, has absolute authority to designate who should enjoy its nationality and to impose whatever conditions and restrictions it chooses on its citizens, because it is a matter that affects the demographic makeup of the country and its political, economic and social life and must therefore be respected by all sides.

96. International law has established that nationality is a matter to be left to domestic legislators in each State, who may regulate the matter as they see fit. In that connection, article 27 of the Constitution of Kuwait reads: "Kuwaiti nationality shall be determined by law and may be forfeited or withdrawn only within the limits prescribed by law." This is consistent with article 1 of the 1930 Convention on Certain Questions relating to the Conflict of Nationality Laws, which stipulates: "It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality." Thus, the internationally recognized character of nationality is in no way incompatible with the fact that international law leaves it to each State to establish the rules governing the granting of its own nationality.

97. Consequently, the State of Kuwait has the right to impose such restrictions as it deems appropriate on the concession of nationality, in line with what it believes to be appropriate for the country's foreign policy and its economic and social circumstances.

P. Reply to paragraph 21 of the list of issues

98. According to article 2 of Electronic Media Act No. 8 of 2016, and its implementing regulations, which were issued under Ministerial Decree No. 100 of 2016: "Electronic media is one part of the media system in the country, and the freedom to use such media is guaranteed to all persons under the present Act. There is to be no prior control over any content circulated via websites and electronic media."

99. The Ministry of Information does not have the right to block websites. Article 19 of the Act reads: "Without prejudice to the provisions of the preceding article, the competent court is empowered to impose a fine of between 500 and 5,000 Kuwaiti dinars (KD) on anyone who, without a licence, undertakes any of activities envisaged in the present Act, or who violates any of the provisions of the Act. The court ruling may also include permanent closure of the website concerned. In case of need, the head of the criminal court may, at the request of the Office of the Public Prosecution, issue a decree to block a website or media channel for a period of up to 2 weeks, renewable, during the investigation or the trial."

100. As concerns the revocation of the operating licences of 90 news websites, it should be noted that just 50 news websites licensed under Electronic Media Act No. 8 of 2016 have had their licences revoked. Of these, 40 websites had their licences revoked because they had violated the Act and had not been active for 6 months, as per article 16 (6) of Act No. 8 of 2016, while 10 websites had their licences revoked at the request of the party concerned or because they had changed character without informing the Ministry of Information.

101. As to the current status of the action being taken against those websites, such action has been limited to issuing revocation orders and publishing them in the Official Gazette, then informing the concerned parties and releasing the financial guarantee. It should be noted, also, that the Act includes provision for persons to lodge appeals against such orders.

102. The promotion and protection of human rights constitute a priority for the national and international communities. This fact emerges clearly in articles 7, 30, 35, 36, 37 and 45 of the Constitution of Kuwait, which underscore the principles of justice, freedom, equality, guarantees of personal freedom, freedom of belief and the practice of religious rites, freedom of opinion and expression, and freedom of the press, printing and publishing. Those provisions also reflect the Universal Declaration of Human Rights and article 32 (1) of the Arab Charter on Human Rights.

103. It should be noted that the Kuwaiti Criminal Code includes a body of punitive measures that are consistent with article 32 (2) of the Arab Charter, according to which rights and freedoms are to be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.

104. For its part, article 6 of Cybercrime Act No. 63 of 2015 stipulates that persons using the Internet or any other form of information technology envisaged in the Act to commit the actions set forth in articles 19, 20 or 21 of the Act – actions that might impinge upon the dignity, private life or religious beliefs of persons, or advocate or incite hatred and contempt for any group in society – are liable to the penalties envisaged in the Printing and Publications Act.

105. No prosecution takes place unless an action constitutes a crime in the eyes of the law. It should be noted, moreover, that Kuwaiti law gives victims in private defamation cases the option of choosing between civil or criminal redress, and such cases are surrounded by a body of constitutional safeguards set forth in detail in the Code of Criminal Procedure. Table 19 (attached) gives statistics regarding prosecutions in cases of freedom of expression.

Q. Reply to paragraph 22 of the list of issues

106. Under Decree-Law No. 65 of 1979, concerning public gatherings and assemblies, citizens can hold a public meeting in a public place without any need for prior authorization or the issuance of a permit; however, demonstrations and assemblies in public areas do require the issuance of authorization before they can be held. This requirement is imposed for organizational reasons because such events can disrupt the course of daily life. In that regard, article 44 of the Constitution of Kuwait stipulates: "Individuals have the right of assembly, without any need for prior authorization or notification, and no member of the security forces may attend their private meetings." Kuwait, in fact, is a leading country in the regulation of freedom of expression, whether in the form of peaceful assembly or via the expression of opinion through audiovisual, print, or social media. In Kuwait, this all takes place within a framework of laws endorsed by legislators and limits imposed by the Constitution, which take due account of security and political circumstances in the region in general and the State in particular. These provisions also take account of the possible abuse of such freedoms by certain parties who misunderstand or exploit them to arouse strife, provoke crises among foreign Governments and stir up the people with unlawful demands, using freedom of expression and of peaceful assembly, as guaranteed by the State, while taking no account of the interests of all citizens or of the supreme interests of the country as a whole.

107. It should also be noted that the Ministry of the Interior does not intervene to break up peaceful demonstrations in which the law is duly respected. In fact, it does not disperse demonstrations unless they cease to be peaceful a pose a threat to national security, to the demonstrators themselves or to passers-by. Such action is regulated by the relevant laws, notably Decree-Law No. 65 of 1979, concerning public gatherings and assemblies. Eager as it is to enforce the law correctly, the Ministry of the Interior provides training to security forces on how to deal with the public and how to conduct rapid intervention operations.

R. Reply to paragraph 23 of the list of issues

108. Civil society institutions play a supporting and complementary role to that of government agencies, and legislators have been careful to enable them to play that role. The State is keen to ensure that non-governmental organizations (NGOs) are able to achieve their goals at the service of society.

109. Council of Ministers Decree No. 836 of 2004, regulates public interest groups with clear and detailed rules that are divided into three categories: general rules for the registration of a public interest group, rules that must be included in the group's own internal rules of procedure and rules to be observed by the Ministry of Social Affairs. The part of the Decree concerning rules for the registration of a public interest group states that the proposed group must fill a void that cannot be filled at the local level, with a view to the welfare of all aspects of community life.

110. The State regulates the process for registering new associations and examines applications from civil society groups, charitable associations and Shiite charitable associations. The Ministry of Social Affairs has formed a special committee for the registration of associations, which studies the applications and the associations' stated goals then decides whether or not to approve them. The committee meets on a weekly basis to ensure that associations receive prompt replies to their applications.

111. The State has included civil society groups in the membership of the National Bureau for Human Rights, the Supreme Council for Family Affairs and the Public Authority for Persons with Disabilities. In addition, under a decree of the Council of Ministers, certain civil society associations were involved in monitoring the 2012 elections to the Kuwaiti National Assembly. Table 20 (attached) shows the number of civil society associations and of registration applications in 2022.

112. It should be noted that Act No. 24 of 1962, concerning clubs and associations of public benefit, does not in fact prevent non-citizens from participating in public benefit associations. Article 13 of the Act reads: "The general assembly is to be composed of all Kuwaiti members who fulfil the necessary conditions under the statute of the association or club and who have been members for at least six months. Non-Kuwaiti members have the right to benefit from the association's facilities as associate members."

113. It is clear, then, that the Act does not deny non-Kuwaitis the right to participate, it merely specifies that the members of the general assembly are to be Kuwaiti nationals. Table 21 (attached) shows the number of NGOs whose license has been withdrawn under Act No. 24 of 1962.

S. Reply to paragraph 24 of the list of issues

114. Equality of rights and duties is a general and well-established principle that is applied without gender discrimination under article 29 of the Constitution, which states that all persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion. On the basis of that principle and with a view to upholding (without distinction, exclusion or restriction) the acquired rights of women, Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women under Amiri Decree No. 24 of 1994.

115. By granting all Kuwaitis the right to vote and to stand for election to the National Assembly, Act No. 17 of 2005 achieves equality of political rights between men and women. In addition to this, Kuwaiti women have an equal occupational right to occupy supervisory positions without any discrimination in rights and duties between them and men. The only standards applied are those of ability, professional dignity, precision and trustworthiness, as per the law and regulations, irrespective of the whether the functionary concerned is a man or a woman. Legislation arising from the Constitution has also served to reaffirm and update the concept of equality between men and women in all aspects of criminal, social and civil law and to reject discrimination and racism by any group, organization or body, be it State-run or independent.

116. The provision whereby naturalized persons have to wait 20 years after their naturalization before they can exercise their right to vote – which is enshrined in article 1 of Act No. 35 of 1962 concerning elections to the National Assembly, as amended – constitutes an important safeguard for the State. In fact, that 20-year period serves to consolidate naturalized persons' loyalty to their acquired nationality, to strengthen their relationship with their new homeland, to understand its customs and traditions and to integrate among their peers, something that is unquestionably in the public interest.

117. Legislators wisely determined that period – 20 years from the acquisition of Kuwaiti nationality – as being sufficient for acquiring loyalty to Kuwaiti nationality and a guarantee for the State, something that experience had shown to be necessary. These were the legitimate considerations that legislators took into account, in the light of the public interest, when specifying the period before which naturalized persons can exercise their right to vote under the Act.

Annexes

Table 1 showing the activities undertaken by the National Bureau for Human Rights, including the number of complaints received

<i>Examples of work and activities carried out by the Bureau since 2019</i>	<i>Examples of work and activities carried out by the Bureau in the years 2020–2021</i>
<p>1. Issuance of Decree No. 1 of 2019 containing the rules of procedure of the National Bureau for Human Rights (Oct. 2019);</p> <p>2. Issuance of Decree No. 3 of 2019 to create standing committees in the National Bureau for Human Rights (Dec. 2019);</p> <p>3. Issuance of the first annual report of the National Bureau for Human Rights (2019) regarding developments in the human rights situation in the State of Kuwait. The report includes recommendations and proposals for the promotion and protection of human rights at the national level, as well as proposed amendments to certain existing legislation, such as criminal and personal status laws as well as laws on children's rights, the rights of persons with disabilities, the family and civil, political and social rights. The report also covers the plans of the standing committees, to be implemented in cooperation with government agencies, which reflect the concern of the Bureau to address all shortcomings in the human rights situation at the national level;</p> <p>4. Drafting of a report submitted in parallel to the State's report to OHCHR under the universal periodic review mechanism of the Human Rights Council (Geneva, Jan. 2020);</p> <p>5. A field visit to the Public Authority for the Workforce's Department for Domestic Workers (May 2019);</p> <p>6. A field visit to the migrant workers' shelter of the Public Authority for the Workforce (May 2019);</p> <p>7. A field visit to correctional institutions (Central Prison, General Prison, Women's Prison) (Jun. 2019).</p>	<p>1. Drafting of the second annual report of the National Bureau for Human Rights regarding developments in the human rights situation in the State of Kuwait in the years 2020–2021, in the light of the impact of the COVID-19 pandemic over the previous two years and the disruption it caused to the operations of government institutions and agencies. The Bureau's second annual report focuses on the most important aspects relating to the human rights situation in Kuwait during 2020 and 2021, and to the work, reports, studies, and recommendations carried out by the Bureau's standing committees, specifically in the following areas:</p> <ul style="list-style-type: none"> • Equality and non-discrimination • Protection against torture • Prisons and detention centres • Combating slavery and human trafficking • Courts and the right to take legal action • Right to nationality • Freedom of opinion and expression • Protecting the family, particularly women and children • Right to work and freedom of association and of trade union activity • Right to health • Right of persons with mental and physical disabilities to live dignified lives • Civil and political freedoms <p>These proposals were submitted by the National Bureau for Human Rights in its second annual report as amendments to existing legislation, with a view to promoting and protecting human rights at the national level. They are consistent with the optimal application of the Constitution and with the obligations of Kuwait under international treaties, as per article 70 of the Constitution according to which treaties have force of law after having been signed, ratified and published in the Official Gazette. This shows how the National Bureau for Human Rights is eager to ensure that the Constitution is optimally applied, particularly as concerns freedoms and international human rights treaties.</p> <ul style="list-style-type: none"> • A memorandum of understanding between the National Bureau for Human Rights and the Kuwait Bar Association was concluded on 26 June 2021; • A first foundation course on “basic human rights principles” for staff of the National Bureau for Human Rights was held from 28 March to 29 April 2021;

Examples of work and activities carried out by the Bureau since 2019

Examples of work and activities carried out by the Bureau in the years 2020–2021

- A memorandum of understanding between the National Bureau for Human Rights and the United Nations Office in Kuwait was concluded on 19 December 2021;
- A training course was run jointly with the commission to combat torture, racial discrimination and human trafficking on 22–24 December 2020. The online course, entitled “An introduction to international human rights principles and mechanisms”, was run in cooperation with the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region for staff of the National Bureau for Human Rights and representatives from government agencies, and was part of the Bureau’s celebrations to mark the anniversary of the Universal Declaration of Human Rights;
- As part of its mandate, the National Bureau for Human Rights contributed to a report on “gender justice” drafted by the Economic and Social Commission for Western Asia (ESCWA);
- A reply was sent to the Anti-Corruption Authority (Nazaha) with the views of the National Bureau for Human Rights regarding the Access to Information Act and its implementing regulations;
- Human rights-related media materials were prepared and drafted, including the production of news coverage, press statements and audiovisual content and the coordination of television interviews, which were then broadcast and published via the Bureau’s own social media accounts;
- Communication was maintained with students with disabilities on scholarships abroad and, in coordination with the Ministry of Foreign Affairs and the Ministry of Higher Education, prompt action was taken to evacuate them and protect their health;
- Action was taken with a wheelchair standards committee at the Public Authority for Persons with Disabilities to find solutions to the non-availability of wheelchairs;
- Meetings were held with persons blind in one eye to look into the problems they have to face, and an agreement was reached with the General Department for Traffic to facilitate procedures for renewing their driving licenses;
- A report was drafted examining the problems faced by sign language interpreters, in order to find ways to improve education for students in the State of Kuwait who are deaf; in that context, several field visits took place, including to Kuwait University;
- In coordination with public interest groups and associations active in the field of disability, a report was

Examples of work and activities carried out by the Bureau since 2019

Examples of work and activities carried out by the Bureau in the years 2020–2021

drafted concerning the situation of persons with disabilities during the COVID-19 pandemic;

- Research into the COVID-19 pandemic was conducted as a human crisis that could quickly turn into a human rights crisis;
- Research was conducted on human rights and policies to tackle the COVID-19 pandemic;
- Research was conducted on suicidal behaviour in the State of Kuwait during the COVID-19 pandemic;
- A report on shelters was drawn up (shelters for child victims of violence are different from shelters for women who are victims of violence);
- A visit was made to the Public Authority for the Workforce's Department for Domestic Workers in order to discuss the Domestic Workers Act and to review complaint procedures;
- A visit was made to a migrant workers' shelter at Jleeb Al-Shuyoukh to determine whether workers' needs were being met and to monitor any recorded violations;
- A visit was made to the Central Prison (the Men's Prison and the Women's Prison) to ensure that inmates' basic needs were being met and to allow them to submit their demands;
- A visit was made to the Ministry of the Interior to discuss issues related to domestic violence and complaint mechanisms;
- A panel discussion on "combating violence against women" was held to mark the International Day for the Elimination of Violence against Women. The initiative, which was held at the Bureau's headquarters on 22 November 2021, brought together government agencies, civil society organizations and research bodies to discuss the causes of violence against women and to find ways to reduce and prevent it;
- A list was drafted containing standards, definitions and terms that fall under the framework of torture, racial discrimination and human trafficking;
- A report on human rights conditions around the world, produced by the United States Department of State, was addressed by a special committee which contacted the competent authorities concerning the matters raised in the report;
- Recommendations contained in all United States Department of State reports on human trafficking in Kuwait were duly collected and compiled;
- The Ministry of Justice (committee responsible for implementing the national strategy to combat trafficking in persons) has been made aware of several recommendations contained in international reports;

Examples of work and activities carried out by the Bureau since 2019

Examples of work and activities carried out by the Bureau in the years 2020–2021

- Current legislation concerning children's rights has been examined and proposals submitted to improve that legislation so as to ensure that children enjoy comprehensive legislative, administrative, social and educational protection;
- A campaign entitled “Towards a safe and well-balanced childhood” has been run jointly with the relevant government agencies to combat and reduce child labour in the streets.

<ul style="list-style-type: none"> • The Bureau has also made its views known via a number of working papers, including: <ol style="list-style-type: none"> 1. A working paper on the right to hold public meetings, demonstrations and rallies 2. A working paper on regulating the right to strike 3. A working paper on the extension of detention and pretrial custody 4. A working paper on the reservations of the State of Kuwait regarding certain provisions of human rights treaties 5. A working paper on the legal aspects of freedom of religion in the State of Kuwait 6. A working paper containing the views of the committee for the 2019 United States Department of State report on freedom of religion in Kuwait 7. A working paper on accession to international treaties by the State of Kuwait 8. A study on freedom of opinion and expression in traditional electronic media <p>A working paper on public interest associations.</p> 	<p>(a) Please provide information on the number of complaints received and referrals made and details on whether the referrals have led to prosecutions, convictions and reparations for victims. Please also indicate the number of visits made to places of detention, the number of recommendations issued and the extent to which the recommendations have been implemented:</p> <p>Under article 6 (9) of the Act establishing the National Bureau for Human Rights, the Bureau has a mandate to monitor correctional institutions, detention centres and care homes of various kinds via periodic and unannounced visits, and to issue reports on those visits. In that connection, a standing committee for complaints and grievances was formed under Decree No. 6 of 2021, which receives complaints and grievances via email, phone or in person then requests information and clarification from the authorities concerned. Article 20 of the rules of procedure of the National Bureau for Human Rights describes the mandate of the committee for complaints and grievances as follows:</p> <ul style="list-style-type: none"> • Examining complaints and grievances related to human rights violations, inquiring into the relevant facts then returning them to the Bureau with the necessary recommendations; • Instructing complainants about the procedures they need to follow and assisting them in the settlement of their complaints and grievances with the competent authorities; • Conducting periodic and unannounced visits to monitor human rights in correctional institutions, detention centres, care homes of various kinds or any other place where rights violations may occur.
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The committee has conducted numerous visits, leading to a body of recommendations, as shown in the table below:

<i>Visit</i>	<i>Purpose of the visit</i>
1 Public Authority for the Workforce (Department for Domestic Workers)	Discussing the Domestic Workers Act and reviewing complaint procedures for domestic workers
2 Visit to a migrant workers' shelter at Jleeb Al-Shuyoukh	Determining whether workers' needs were being met
3 Visit to the Central Prison (Men's Prison)	Checking the state of readiness of detention centres and ensuring that inmates' basic needs were being met
4 Visit to the Central Prison (Women's Prison)	Checking the state of readiness of detention centres, ensuring that inmates' basic needs were being met and allowing them to submit their demands
5 Visit to Lieutenant General Issam al-Naham, Undersecretary of the Ministry of the Interior, to discuss complaints of domestic violence and mechanisms for receiving them	Discussing complaints of domestic violence and mechanisms for receiving and handling them
6 Shelter for workers who have committed contraventions	Determining whether workers' needs were being met during the COVID-19 pandemic
7 Visit to the Department for Correctional Institutions and meeting with prison hospital officials and medical staff	Meeting with officials and medical staff to follow up on precautionary measures against the coronavirus
8 Visit to Attorney General Mohammed Al-Duaij	Discussing the question of an amnesty for persons jailed for having posted tweets
9 Visit to an unlawful resident who had self-immolated, at the Al-Babtain Centre for Burns in Al-Babtain Hospital	Checking the state of health of the person concerned following his attempted suicide
10 Visit to the General Department for Residency	Following up on a complaint from a detainee regarding the possibility of lifting his deportation order
11 Visit to a psychiatric hospital	Interviewing a female patient whose case had been classified as one of domestic violence
12 Visit to the Director of the Central Agency for the Remedy of Situations of Unlawful Residents	Examining the services available to unlawful residents
13 Visit to the Central Prison (prison hospital, Men's Prison, Women's Prison)	Examining the services available to inmates and ensuring that their basic needs were being met
14 Visit to First Deputy Prime Minister and Minister of the Interior, retired Lieutenant General Sheikh Ahmed Al-Nawaf Al-Ahmad Al-Sabah	Discussing ways to cooperate with the committee and other human rights-related topics
15 Visit to Kuwait bureau of the Office of the United Nations High Commissioner for Refugees (UNHCR)	Discussing ways to cooperate
16 Visit to torture victim Abdullah Fahd Tami	Checking his state of health and understanding the reasons for the torture he suffered
17 Visit to the Fenner Shelter, which is affiliated to the Supreme Council for Family Affairs	Checking the state of readiness of the Shelter and the availability of services, in accordance with human rights standards

Visit	Purpose of the visit
18 Visit to 10 police stations in most governorates of Kuwait, namely: Dasma, Rawda, Faiha, Sabah Al-Salem, Adan, Nugra, Salmiya, Khaitan, Jleeb Al-Shuyoukh and Farwaniya	Determining the extent to which human rights standards are being applied
19 Visit to Lieutenant General Anwar Al-Barjas, Undersecretary of the Ministry of the Interior	Presenting a report on the human rights situation in detention centres with the committee's proposals and recommendations
20 Field visit to the Department for Deportation and Temporary Detention (Talha Prison)	Checking the state of readiness of detention centres and the availability of services, in accordance with human rights standards

<p>The Bureau has made recommendations to the following bodies:</p> <p>Fenner Shelter</p> <ul style="list-style-type: none"> • Finding joint solutions and discussing possibilities for cooperation between the Bureau and the Shelter, so as to meet the Shelter's needs; • Coordinating with the Ministry of the Interior to discuss the possibility of setting up security points, in order to protect the Shelter; • Appointing specialized staff to the Shelter, in cooperation with the Civil Service Bureau. <p>Ensuring that arrests are carried out using correct procedures that afford greater safeguards for accused persons:</p> <ul style="list-style-type: none"> • Involving the National Bureau for Human Rights (committee for complaints and grievances), the commission to combat torture, racial discrimination and human trafficking and the Ministry of the Interior in reviewing safeguards to protect accused persons from torture or ill-treatment; • Taking prompt and immediate action to refer accused persons for internal administrative investigation; • Developing a legislative system that provides protection against torture; in particular by separating forensic medicine and forensic evidence – which are currently two departments within the General Department for Investigations – from the Ministry of the Interior; • Reducing the period of pretrial custody and making a number of important legislative amendments that will require the enactment of a law against torture. 	<p>Visits by officials of the National Bureau for Human Rights:</p> <p>The Bureau visited the First Deputy Prime Minister and Minister of the Interior to discuss several issues that fall within the Bureau's purview to monitor the human rights situation at the national level, including:</p> <ul style="list-style-type: none"> • Finding a prompt and humane solution to safeguard the fundamental human rights of unlawful residents (Bidoon); • Working with agencies of the Ministry of the Interior, particularly those involved with criminal investigations and State security, to find civilized and humane ways to treat detainees and suspects during questioning; to avoid sensitive matters that might affect them, such as their religion, religious group, tribe or family; and to prevent any threat to their families; • Respecting the right of prisoners to be transported between court and prison in a safe and civilized manner; • Facilitating and accelerating the delivery of medicines and other personal needs of prisoners; • Appointing a liaison officer between the Ministry of the Interior and the National Bureau for Human Rights (committee for complaints and grievances) in order to facilitate joint operations and to assist the Bureau in the performance of its functions; also, making all agencies within the Ministry of the Interior aware of the National Bureau for Human Rights and the role it plays. <p>A visit to the Undersecretary of the Ministry of the Interior concerning the recommendations that emerged from visits to police stations in most governorates of Kuwait:</p> <ul style="list-style-type: none"> • Providing law enforcement personnel (military and civilian) with human rights training; • Making a proposal to the Ministry of the Interior to conduct drug checks on all its staff, along
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	<p>similar lines to a decree issued by the Ministry of Defence;</p> <ul style="list-style-type: none"> • Intensifying ministerial supervision to ensure the proper functioning of certain police stations in densely populated areas; • Assigning female officers to police stations in various regions; • Providing a clinic or a nurse in each police station in order to treat any medical conditions that may be affecting inmates; • Providing a suitable work environment for persons working in police stations, in view of the long hours they are required to spend there; • Conducting random checks on staff of the Ministry of the Interior who have direct contact with the public, along similar lines to the checks conducted by the Ministry of Defence; • Working to ensure the safety of buildings, especially old buildings, where staff and detainees face problems such as poor sanitation, poor ventilation and overcrowding; • Identifying the daily needs of male and female detainees, particularly in cases that require detention for several days; also, identifying the needs of staff and providing them with everything they require to carry out their duties so that they do not have to purchase such items from their own pockets. <p>Representatives from the Bureau also visited the deportation prison (Talha) and made recommendations regarding prison conditions:</p> <ul style="list-style-type: none"> • The general unsuitability of the building and the importance of finding another building so as to ensure the well-being of staff and detainees; • Improving the services offered to detainees through cleaning, allocating a space for men, providing rooms for visits, allowing visits to take place inside but not outside the building and increasing the duration of telephone use for detainees; • Creating a mechanism for cooperation between the Department for Deportation and the Department for Enforcement; this serves the interests of detainees while also reducing the burden on staff of the Department for Deportation.
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- **It should be noted that the National Bureau for Human Rights (committee for complaints and grievances), having conducted its field visits, has submitted reports and made recommendations with a view improving the human rights situation at the national level. The Ministry of the Interior has then taken up and sought to implement those recommendations, notably:**

(i) Recommendations relating to the operation and maintenance of police stations and the inspection of detainees there:

- Following the visits made by the committee to a number of police stations in most governorates of Kuwait, certain observations and recommendations were submitted to the Undersecretary of the Ministry of the Interior, who ordered the inspection of a number of stations in several governorates, including Al-Ahmadi, Farwaniya, Hawalli and the Capital.

(ii) Recommendations concerning random checks on staff of the Ministry of the Interior (military personnel):

- The Minister of the Interior issued a decree authorizing unannounced drug and alcohol checks on all military personnel, with penalties for persons refusing to undergo the checks.

<i>Statistics concerning complaints received by the committee for complaints and grievances during the period</i>	<i>No. of complaints</i>
2021–2022	181

The Act under which the National Bureau for Human Rights was set up states that it has a mandate to examine complaints and grievances related to human rights violations and to inquire into the relevant facts. This process is governed by an official mechanism whereby complaints and grievances are submitted in writing or via email.

The Bureau also instructs complainants about the procedures they need to follow and assists them in the settlement of their complaints and grievances with the competent authorities.

<i>Complaints referred to the competent authorities</i>	<i>Complaints in which guidance has been provided</i>	<i>Complaints archived as they fall outside the purview of the Bureau</i>
159	16	6

Table 10 giving a comprehensive view of offences that are punishable by death

<i>No.</i>	<i>Course name</i>	<i>Date</i>
1	Foundation course for law students nominated to work as deputy prosecutors	8 Sep. 2019 to 9 Sep. 2020
2	Foundation course for law students nominated to work as deputy prosecutors	1 Jun. 2021 to 31 May 2022
3	Foundation course for law students nominated to work as deputy prosecutors	6 Jun. 2021 to 21 Oct 2021
4	Foundation course for law students nominated to work as deputy prosecutors	16 Jan. 2022 to 15 Jan. 2023
5	International humanitarian law and its relationship to human rights	13 Mar. 2022 to 15 Mar. 2023

Table 3 showing the number of complaints and reports received by the Anti-Corruption Authority

Number of complaints, reports and queries in 2022	600
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Table 4 showing the number of students of both sexes (unlawful residents) benefiting from the Charitable Fund for Education

<i>Academic year</i>	<i>No. of students</i>	<i>Cost (in KD)</i>
2020/21	13 327 students in private schools	4 783 024 KD
2021/20	21 375 students in State-run schools	Free in State-run schools

Table 5 showing the number of persons issued with user cards or health insurance cards in 2022

<i>Year</i>	<i>User cards</i>	<i>Health insurance cards</i>
2022	67 436	4 234

Table 6 with statistics pertaining to the official documents issued to unlawful residents during 2021

<i>Year 2021</i>	<i>Type of document</i>	<i>No.</i>
	Birth certificates	1 126
	Death certificates	299
	Marriage contracts	1 142
	Divorce contracts	520

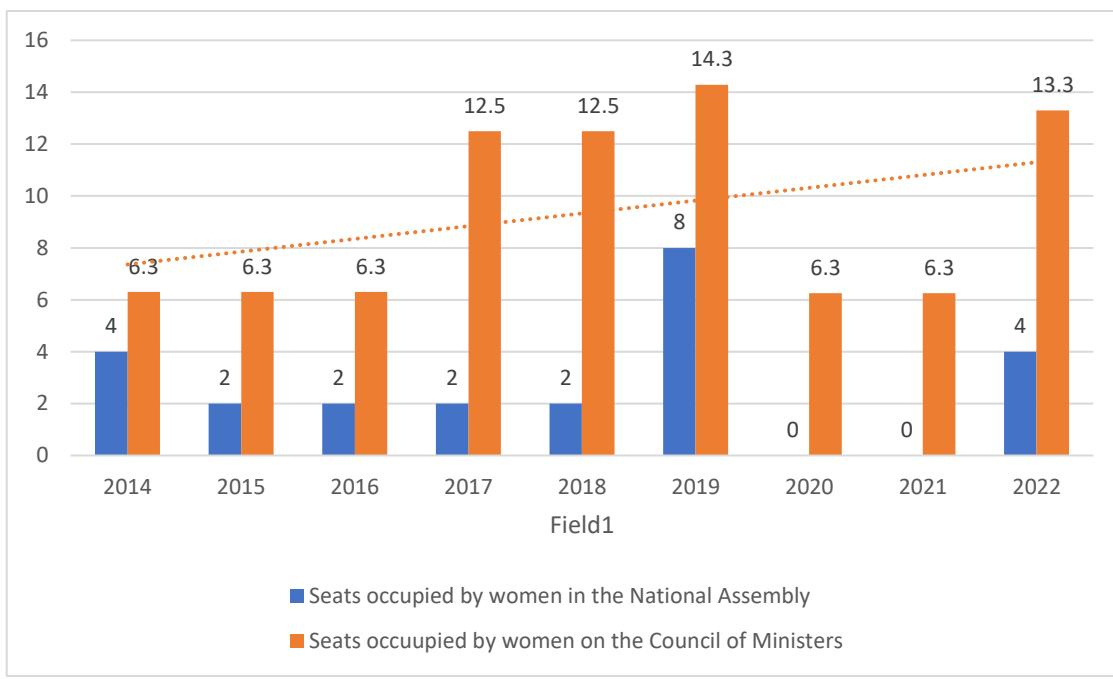
Table 7 showing the number of unlawful residents (male and female) who have been appointed to positions in the public and private sectors

<i>Period</i>	<i>Organization</i>	<i>No.</i>
2011–2022	Registered with the Civil Service Bureau	3 311
2019–2021	Cooperatives	925
2019–2021	Ministry of Health	2 915
2020	Ministry of Endowments	82
2021	Registered with the Public Authority for the Workforce	198

Table 8 illustrating the political empowerment of Kuwaiti women.

	<i>National Assembly</i>	<i>Council of Ministers</i>	<i>Municipal councils</i>
No. of seats (2022)	2	2	4

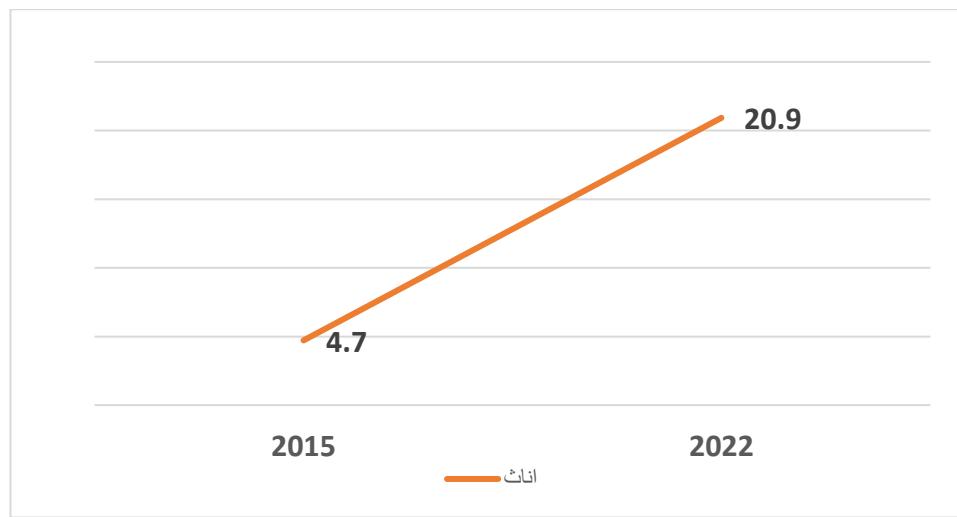
Proportion of seats occupied by women in national parliaments and local government during the period 2014–2022



Economic empowerment of Kuwaiti women

Available data points to a growing influx of Kuwaiti women onto the labour market, from 55.4 per cent in 2015 to 57.8 per cent in 2022, an equality rate of 1.4. Women's involvement in the private sector reached 49.1 per cent in 2022, while their participation in leadership positions rose from 4.7 per cent in 2015 to 20.9 per cent in 2022. This is part of a general trend in Kuwait towards an increasing proportion of women holding in leadership positions, in the name of equality and equal opportunity.

Table 9 showing the proportion of Kuwaiti women in leadership positions in all sectors and the proportion of female involvement in the Kuwaiti labour market



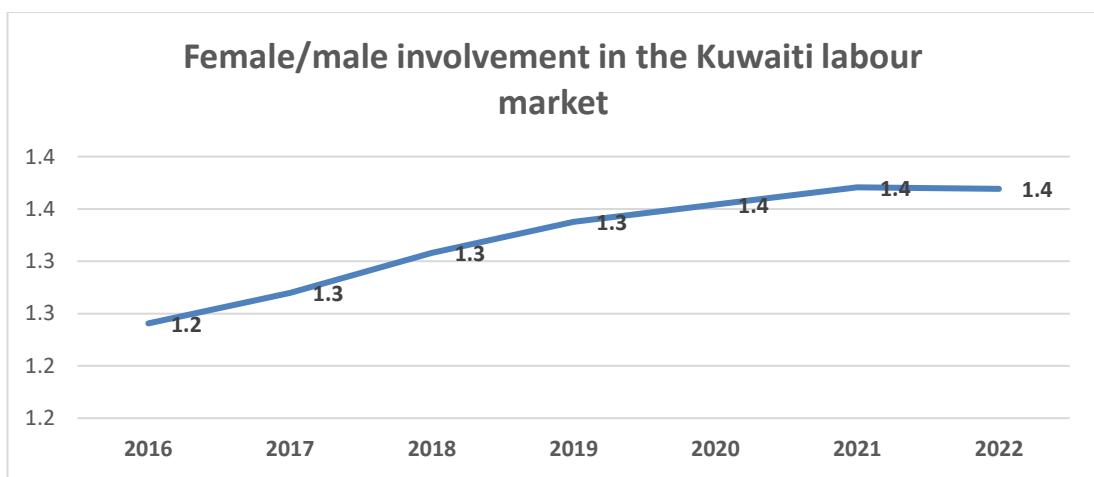
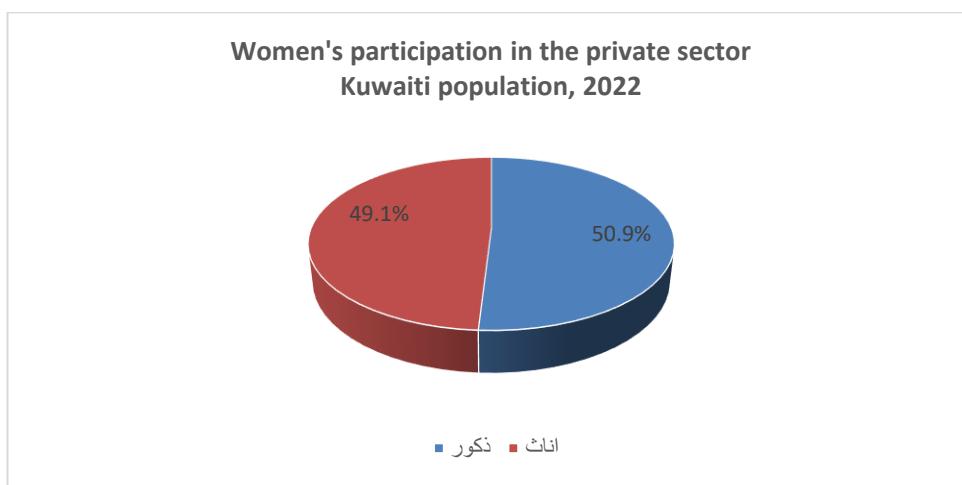
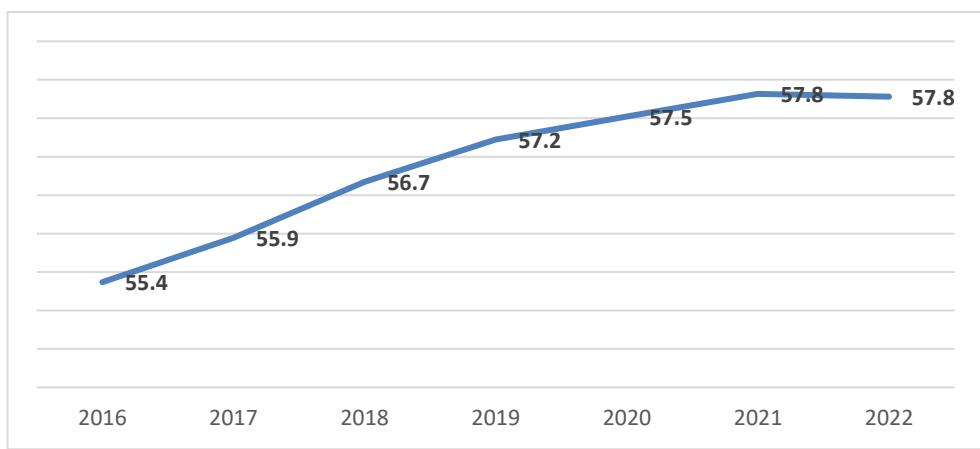


Table 10 giving a comprehensive overview of offences that are punishable by death

Reference is made to the request to submit an exhaustive list of offences punishable by the death penalty and to clarify whether there has been any comprehensive review of relevant legislation to ensure that the death penalty may be imposed only for the most serious crimes. In that connection, it should be noted that Kuwaiti laws and legislation envisage the death penalty as follows:

- (i) Premeditated murder (arts. 149, 149 bis and 150 of the Criminal Code, as amended);

- (ii) False witness or coercion to give false witness if doing so results in a sentence of death that is then carried out (arts. 137 and 138 of the Criminal Code);
- (iii) Abduction through use of force, threat or deceit with the intention of murder, sexual intercourse, indecent assault or prostitution (art. 180 of Act No. 62 of 1976);
- (iv) Engaging in sexual intercourse with a female without her consent, whether by use of force, threat or deceit (art. 18 of Act No. 62 of 1976);
- (v) Anyone who has sexual intercourse with a female without using coercion, threat or deceit but knowing her to have a mental impairment, to be under the age of 15 or to lack volition for any other reason, or knowing that she does not comprehend the nature of the act or that she believes it to be legitimate, is liable to life imprisonment.

If the offender is an ascendant of the victim, is responsible for the victim's upbringing, has tutelage or authority over the victim or is a servant of the victim or of one of the above, the sentence shall be death (art. 187 as amended by Act No. No. 62 of 1976).

- (vi) Article 1 of Act No. 31 of 1970:
 - Anyone who intentionally commits an action that undermines the independence or unity of the country;
 - Any Kuwaiti who takes up arms against Kuwait or who enlists in any way the armed forces of a State that is at war with Kuwait;
 - Anyone who seeks to carry out hostile acts against Kuwait or who, to that end, communicates with a foreign State or with a person working in the interests of that State;
 - Anyone who communicates with that hostile foreign State or with a person working in the interests of that State in order to assist in the military operations of that State or to harm the military operations of Kuwait.
- (vii) Article 6 of Act No. 31 of 1970:
 - Anyone who, on behalf of the enemy, intervenes to undermine the loyalty or weaken the morale or resilience of the armed forces;
 - Anyone who, in time of war, encourages soldiers to enlist in the service of a foreign country or facilitates their doing so; also, anyone who deliberately acts in any way to gather or procure soldiers, men, money, supplies or equipment on behalf of a State that is at war with Kuwait;
 - Anyone who facilitates the entry of the enemy into the country or who surrenders cities, fortresses, facilities, sites, ports, warehouses, arsenals, ships, aircraft, means of transport, weapons, ammunition, military equipment, supplies, food or anything else that is intended for defence or that is used to that end; or who serves the enemy by conveying information or acting as a guide.
- (viii) Article 11 of Act No. 31 of 1970:
 - The death penalty is applicable to anyone who, in any way and using any means, delivers or discloses to a foreign State or to a person working in the interests of that State a secret or secrets pertaining to national security; anyone who, using any means, obtains a secret of that nature with the intention of delivering or disclosing it to a foreign State or to a person working in the interests of that State; or anyone who, acting in the interests of a foreign State, destroys a defence-related secret or renders it unusable.
- (ix) Article 23 of Act No. 31 of 1970:
 - Anyone who launches an attack against the life, safety or freedom of the Amir or who deliberately endangers his life or freedom is liable to the death penalty. The same penalty is be imposed if the action is directed against the Crown Prince.

(x) Article 24 of Act No. 31 of 1970:

- Anyone who uses force against the powers vested in the Amir, be it to deprive him of all or some of those powers, or to remove him or force him to abdicate is liable to the death penalty. The same penalty is imposed on anyone who uses force to overthrow the existing system of governance in the country.

(xi) Article 31 of Act No. 74 of 1983, if accompanied by any of the aggravating circumstances envisaged in article 31 bis of the Act:

(a) Anyone who imports, carries (personally or via an intermediary) or exports narcotic substances or products, or who assists therein, be it as the main perpetrator or as an accomplice, with the intention of trafficking and without having obtained the licence envisaged under article 3 of the present Act;

(b) Anyone who produces, extracts, distils or manufactures narcotic substances or products, with the intention of trafficking;

(c) Anyone who cultivates one of the plants listed in table 5 of the present Act, or who exports, carries or imports such a plant at whatever stage of its growth, or the seeds thereof, with the intention of trafficking, or who trades therein in any way other than those authorized under the present Act.

(xii) Article 32 of Act No. 74 of 1983, if accompanied by any of the aggravating circumstances envisaged in article 32 bis of the Act:

(a) Anyone who possesses, acquires, purchases, sells, delivers, receives, transports, transfers, exchanges, dispenses or handles narcotic substances or products, or any of the plants listed in table 5 of the present Act, in any capacity whatsoever or who mediates in such actions, with the intention of trafficking, or who trades therein in any way other than those authorized under the present Act;

(b) Anyone who offers recompense for the use of narcotic substances or products, or facilitates their use, in cases other than those authorized under the present Act;

(c) Anyone who, while being authorized to possess narcotic substances or products for a specific purpose or purposes, in any way disposes of them, for a recompense, in manner inconsistent with such purposes;

(d) Anyone who, for a recompense, administers prepares or furnishes a location for drug use. If any of the offences envisaged in the last three subparagraphs are committed without recompense, they attract a term of imprisonment of between 5 and 10 years and a fine of between KD 5,000 and 10,000.

(xiii) Article 1 of Act No. 35 of 1985:

The death penalty or life imprisonment is applicable to anyone who uses or attempts to use explosives with the intention of killing others, of spreading panic or of damaging State-owned buildings or facilities, public institutions, companies in which the State is a shareholder, public interest associations or other such facilities, buildings or factories, places of worship, places intended to host public gatherings, places where people happen to gather even if not intended for that purpose or any place that is inhabited or intended for habitation. The death penalty is to be imposed if such actions result in the death of another person.

(xiv) Articles 2 and 3 of Act No. 6 of 1994: The death penalty is applicable if any of these actions results in injury to others or in the destruction or damage of an aircraft or of facilities within the airport perimeter;

- Anyone who commits an act of violence against another person aboard an aircraft in flight such as might endanger the safety of that aircraft;
- Anyone who, using any means, places a device or substance aboard an aircraft in service, or causes that to happen, thereby destroying the aircraft or damaging it in such a way as to render it unflightworthy or to endanger it during flight;

- Anyone who commits any action that destroys or damages facilities within the airport perimeter or who interferes with airport operations and endangers an aircraft in flight;
- Anyone who knowingly communicates false information such as could endanger an aircraft in flight;
- Anyone who unlawfully uses force, threat of force or other form of coercion to seize or take control of an aircraft in flight and the change its route;

(xv) Article 2 (7) of Act No. 91 of 2013:

The death penalty is applicable if the commission of the offence results in the death of the victims (victims of human trafficking).

(xvi) Article 1 of Act No. 35 of 1985:

Anyone who attacks an official charged with the enforcement of the present Act or who uses force or violence to oppose resistance against such officials during or by cause of their performance of their duties. If the offence results in permanent disability or lasting mutilation, or if the offender is carrying a weapon or is a member of the security forces, he is liable to life imprisonment or to imprisonment for a term of up to 15 years. If the offence results in death, the offender is liable to the death penalty.

(xvii) Article 25 of Environment Act No. 42 of 2014:

- Anyone who brings or buries nuclear waste in the territory of the State of Kuwait or allows its passage without permission from the Public Authority for the Environment.
- As concerns the death sentence handed down against three Iranian nationals for drug trafficking, it should be noted that legislators envisaged that the penalty in article 31 for anyone who intentionally imports, carries, exports, cultivates, produces, extracts or trades in narcotic substances should be accompanied by the words “or life imprisonment”. Thus, they did not envisage a single penalty but left but left the matter for the judge to decide according to his own view of the facts.

Table 11 with statistics concerning workplace deaths, accidents and injuries in the year 2021

Cause of death				Type of work										Nationality of worker		Governorate				Months (2021)				
0	0	0	1	3	2	0	0	1	1	0	0	0	2	2	4	0	5	3	0	January				
0	0	2	1	0	5	0	0	2	0	0	0	0	0	6	2	6	0	8	4	February				
0	0	1	2	1	9	0	0	1	0	0	0	0	1	10	2	11	0	13	3	March				
0	0	0	3	0	6	0	0	0	0	0	0	0	2	7	2	7	0	9	3	April				
0	0	0	1	1	2	0	1	1	0	1	0	0	0	1	1	3	0	4	1	May				
0	1	0	1	0	2	0	0	0	0	0	0	0	0	4	1	3	0	4	1	June				
2	1	0	2	1	1	0	0	1	0	0	0	0	3	3	4	3	0	7	1	July				
1	0	0	2	3	4	0	0	5	0	0	0	0	0	5	7	3	0	10	2	August				
2	0	0	4	1	6	1	0	1	0	0	1	0	0	10	5	8	0	13	1	September				
1	0	0	2	0	7	0	0	1	0	0	0	0	0	9	4	6	0	10	4	October				
0	0	1	2	1	5	0	0	0	0	1	0	0	2	6	3	6	0	9	4	November				
2	0	0	2	0	5	0	0	2	0	0	0	1	6	3	6	0	9	2	0	December				
8	2	4	23	11	54	1	1	15	1	2	1	11	69	36	66	0	101	29	11	17	17	11	16	TOTAL

Table 12 with statistics concerning workplace deaths, accidents and injuries in the year 2022

Cause of death	Type of work	Nationality of worker	Governorate			Months (2021)
			Foreign	Arab	Kuwaiti	
Choking						
Drowning						
Electric shock						
Vehicle accident						
Machinery						
Fall of material						
Fire/explosion						
Fall from a height						
Hospitality						
Agriculture						
Fishing						
Warehouse						
Oil and gas						
Utilities						
Manufacturing						
Construction						
Foreign	Arab	Kuwaiti				
Al-Ahmadi	Mubarak al-Kabir	Jahra'	Farwaniya	Hawalli	Capital	Months (2021)
0	0	1	0	0	0	January
0	1	0	0	0	0	February
0	0	0	0	0	0	March
0	0	0	0	0	0	April
0	0	0	0	0	0	May
2	0	0	0	0	0	June
0	0	0	0	0	0	July
0	0	1	0	0	0	August
0	0	3	0	0	0	September
0	0	2	0	0	0	October
0	1	1	0	0	0	November
0	0	1	0	0	0	December
2	2	9	0	1	10	TOTAL
0	10	3	51	2	3	
1			15	1	1	
10			52	31	66	
3			79	2	2	
51			17	4	22	
2			4	20	4	
3			12			

Statistics concerning workplace deaths, accidents and injuries in the governorates the year 2022

Table 13 concerning work in the afternoon hours (outcomes of an inspection conducted by a special “afternoon-work team” from the National Centre for Occupational Health and Safety from 1 June to 31 August 2022)

No. of workplaces inspected	452
No. of companies found to be in violation for the first time	452
No. of workplaces found to be in violation following inspection	0
No. of workers present in workplaces found to be in violation	603
No. of companies found to be in compliance on a second inspection	452
No. of reports received	30

Table 14 showing the torture-related complaints that have been referred to the courts

Year	No. of complaints	No. of accused persons
2020	1	2
2021	7	1
2022	4	4

Table 15 showing number of prison inmates as of 25 January 2023, compared with prison capacity

Prison	Capacity	No. of inmates
Central Prison	2 709	3 111
General Prison	844	1 190
Women’s Prison	358	177
Department for Deportation	1 400	663

Table 16 with statistics concerning labour-related complaints (the Department for Regulating the Recruitment of Domestic Workers received 5,993 complaints between 1 January 2022 and 31 December 2022)

Type of a complaint	No.
Complaints from workers against employers	1 621
Complaints from bureaux against employers	57
Complaints from employers against workers	317
Complaints from employers against bureaux	3 983
Complaints from workers against bureaux	15
No. of complaints resolved amicably between the parties	3 489
No. of complaints referred to the competent courts	943

Table 17 showing complaints and investigations related to human trafficking

Year	No. of complaints	Resolved	Referrals to court	Rulings handed down	No. of accused persons	National/foreign accused persons
2020	83	20	17	20	114	25 Kuwaitis 32 residents
2021	2	11	-	111	53	17 Kuwaitis 36 residents
2022	16	1	-	3	-	-

Table 18 with statistics concerning deportation orders

Year	Court	No.
2020	Court of Appeal	853
2020	Court of Cassation	281
2021	Court of Appeal	905
2021	Court of Cassation	337
2022	Court of Appeal	964
2022	Court of Cassation	227

Table 19 with statistics regarding prosecutions in cases of freedom of expression**Lèse-majesté, criticism of the Government, disseminating false news**

Year	No. of complaints	Resolved	Referrals to court	Rulings handed down	No. of accused persons	National/foreign accused persons
2020	26	27	23	22	22	18 Kuwaitis 4 residents
2021	48	18	22	18	18	18 Kuwaitis 15 Kuwaitis
2022	35	25	20	19	19	4 residents

Contempt for religions

Year	No. of complaints	Resolved	Referrals to court	Rulings handed down	No. of accused persons	National/foreign accused persons
2020	1	1	1	1	1	1 Kuwaiti
2021	1	1	1	1	1	1 Kuwaiti
2022	0	0	0	0	0	0

- Criticism of neighbouring Governments

Year	Referrals to court	Rulings handed down	No. of accused persons	National/foreign accused persons	Referrals to court
2020	2	1	4	4	1 Kuwaiti 3 residents

Year	Referrals to court	Rulings handed down	No. of accused persons	National/foreign accused persons	Referrals to court
2021	6	2	2	2	2 Kuwaitis
2022	3	2	2	2	2 Kuwaitis

Table 20 showing the number of civil society associations and of registration requests in 2022

No. of civil society groups in Kuwait over the last two years	172 civil society associations	69 charitable associations	90 charitable associations (Shiite)
No. of registration applications 2022	48 from charitable associations	21 from charitable associations (Shiite)	36 from civil society associations

Table 21 showing the number of registered NGOs in the State party that have had their licence withdrawn under Act No. 24 of 1962, including details of the grounds for any rejections or withdrawal

Associations that have been closed	Student Support Society (closed then reopened by court order) Horse Society (reopened by court order) Thaqualayn Society (still pending before the courts) Salam Association (reopened by court order)
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The closures took place under article 27 of Act No. 24 of 1962, which states: “A club or association may be dissolved, by a decree of the Minister of Social Affairs, in one of the following circumstances:

- If the number of members falls below 10;
- If it conducts activities that deviate from its objectives or violate its own statutes;
- If it is unable to meet its financial obligations;
- If it violates the present Act.”