



International Covenant on Civil and Political Rights

Distr.: General
30 June 2016

Original: English

Human Rights Committee

117th session

Summary record of the 3270th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 22 June 2016, at 10 a.m.

Chair: Mr. Salvioli

later: Mr. Iwasawa (Vice-Chair)

Contents

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

Third periodic report of Kuwait (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-10581 (E) 280616 300616



* 1 6 1 0 5 8 1 *

Please recycle



The meeting was called to order at 10.10 a.m.

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

Third periodic report of Kuwait (continued) (CCPR/C/KWT/3; CCPR/C/KWT/Q/3 and Add.1)

1. *At the invitation of the Chair, the delegation of Kuwait took places at the Committee table.*
2. **Ms. Alshaaji** (Kuwait), responding to questions raised by the Committee at the previous meeting concerning alleged cases of discrimination against women, said that the provisions of Personal Status Act No. 51 of 1984 were derived from the principles of Islamic sharia. They regulated matters pertaining to the family without discriminating against either sex. Article 25 of the Act was consistent with article 23 (3) of the Covenant, which stated that no marriage could be entered into without the free and full consent of the intending spouses. The Act was also consistent with the provisions of article 23 (4) of the Covenant concerning the equal rights and responsibilities of spouses.
3. Responsibility for the guardianship of children was attributed primarily to the mother, the grandmother or the maternal aunt. Polygamy was allowed by the Islamic sharia. However, if a husband was unable to meet the condition that each wife should be treated fairly in all respects, then he could marry only one woman. Moreover, a husband could not require his wife to live together with another wife and her children without her consent. In practice, polygamy was no longer practised in Kuwait.
4. Under the Personal Status Act, sons were entitled to inherit a larger share of family assets than daughters because men were required to attend to all basic family needs. There was no discrimination between men and women in terms of legal competence. Once they had reached the age of majority, women enjoyed all rights under civil law on an equal footing with men. Equal weight was given to women's testimony in civil and criminal proceedings. Men were legally entitled to divorce their wives. Women could apply for a divorce decree on a number of grounds, such as the husband's failure to meet the family's financial needs or abusive conduct. The recently promulgated Family Court Act, which provided for the establishment of a family court in each governorate, expedited the settlement of personal status disputes. The presiding judges could rule on disputes concerning guardianship, school enrolment, financial matters and many other issues. Women could file lawsuits in courts of first instance and appeal courts.
5. The Committee had been provided with police statistics for 2015 on cases of violence against women. There had been four cases of physical violence, two cases of sexual violence and one case of psychological violence, for a total of just seven cases. All forms of violence were prohibited by the Criminal Code. The Ministry of the Interior had established a Community Police Department hotline with a view to encouraging women to report incidents of domestic violence.
6. There was no discrimination against women in the issuance of housing loans. The implementing regulations of the Housing Welfare Act provided for the granting of mortgages for up to 70,000 Kuwaiti dinars to divorced women, widows and women with Kuwaiti or non-Kuwaiti children.
7. **Ms. Al-Ataya** (Kuwait) said that Nationality Act No. 15 of 1959 did not discriminate against women. Nationality was granted on the basis of the *jus sanguinis* principle. According to article 2 of the Act, any child born in Kuwait or abroad whose father was a Kuwaiti national was recognized as a Kuwaiti citizen. Articles 3 and 5 also granted citizenship to children of Kuwaiti women in certain cases, for instance if the father

was unknown, if the child's kinship to the father had not been legally established or if, in the case of a child born to a Kuwaiti mother and a foreign father, the father had divorced the mother or had died. A total of 1,746 children had been granted Kuwaiti nationality under those circumstances between 2003 and 2015.

8. **Mr. Alghunaim** (Kuwait) said that violence against women, human trafficking and early marriage were extremely rare phenomena in Kuwait. The Ministry of Justice had set up a committee to review and amend legislation concerning women's rights to ensure that it was fully in line with international law. Pursuant to Ministry of Social Affairs and Labour Decision No. 190/1 of 2011, a joint committee had been formed to implement the plan for the creation of a legislative environment conducive to the social empowerment of women. One of the group's main tasks was to draw up a list of all the Kuwaiti legal provisions relating to the protection of women against all forms of discrimination.

9. **Mr. Aldeen** (Kuwait) said that the Ministry of the Interior had incorporated the topic of human rights into the curricula of its educational and training programmes and had drawn on support from human rights experts in that connection. A special institute had also been established to provide human rights training courses for prison staff. The Ministry of the Interior cooperated closely with the International Committee of the Red Cross (ICRC) and had been sending prison officials to Geneva since 2014 to attend ICRC human rights courses. The Ministry had also held human rights workshops for its own staff.

10. Decisions regarding administrative deportation were not taken by the courts but rather by the Ministry of the Interior, which had clearly defined procedures in place for handling such cases. A legal committee had been established to examine the case files and circumstances of the persons involved in administrative deportation proceedings, and more than 1,300 of those persons had been allowed to stay in the country on health, humanitarian or other grounds since 2010. The legal committee had also developed guidelines regarding the duration of detention prior to deportation. ICRC had visited some detention centres and had intervened with various embassies on behalf of some people involved in such proceedings in order to have restraints on travel authorizations lifted. Pursuant to the Residence of Aliens Act promulgated by Decree-Law No. 17 of 1959, the Minister of the Interior could expel any foreigner when there were compelling reasons for doing so. The provisions of the Aliens Act were in accordance with article 13 of the Covenant.

11. Judicial deportation, on the other hand, could be ordered by a judge in the case of a migrant as an alternative to a term of imprisonment, although a pardon could be granted by the Emir. A total of 1,400 persons had been sentenced to judicial deportation since 2010.

12. The women's prisons in the country had the capacity to house 400 inmates, but there were currently fewer than 200 women prisoners. Every effort was made to guarantee decent conditions in all places of detention. The prisons that had been constructed since 2010 complied with international human rights standards. The Ministry of the Interior had been working with ICRC to prevent overcrowding, and major progress had also been made in the area of hygiene and health care. Various bodies, including a parliamentary commission and a number of NGOs, monitored conditions in places of detention. ICRC alone had undertaken more than 80 prison visits since 2010. Agreements on prisoner exchanges had been concluded or were being drawn up with the Islamic Republic of Iran, Egypt and India, and alternatives to imprisonment were being promoted. The Ministry of the Interior ensured that there was rigorous oversight in detention facilities in order to prevent torture and ill-treatment. It had installed cameras and various other types of electronic monitoring devices in all places of detention. Any complaint concerning the abuse of human rights or freedoms by the Ministry's staff could be submitted to the General Directorate for Oversight and Inspection, which investigated them and referred cases to the courts for trial. The courts also awarded redress to the victims of such abuses.

13. A legal committee had been mandated to conduct a comprehensive study of the country's criminal laws and to propose legislation aimed at prescribing more severe penalties for certain types of acts, including the acquisition of weapons. In response to the terrorist attack on the Shia Imam Sadiq Mosque that had occurred in 2015, which had claimed many lives, a new law providing for mandatory fingerprinting had been enacted. The aim was to compile a database that could be used to identify unknown corpses at crime scenes and to gather forensic evidence. The law contained confidentiality provisions. None of the information in the database could be disclosed without authorization from the relevant public prosecutor or court. Disclosure was punishable by between 3 and 7 years' imprisonment and fines.

14. **Mr. Almahana** (Kuwait) said that article 29 of the 1962 Constitution guaranteed equal rights for all and prohibited discrimination on grounds of race, origin, language or religion. It did not mention discrimination on grounds of colour or wealth because no such discrimination had existed at the time in Kuwaiti society. The article could, however, be interpreted as prohibiting such discrimination. Decree-Law No. 19 of 2012 on the protection of national unity provided legal protection against discrimination, incitement to hatred on social, sectarian or tribal grounds, dissemination of views based on the purported supremacy of a group on grounds of race, colour, origin, religion, belief or race, and incitement to violence to serve such ends. The Criminal Code provided for lengthy terms of imprisonment and large fines for related offences.

15. Article 16 of the Code of Criminal Procedure, as amended by Act No. 3 of 2012, limited the period of police custody following arrest to 48 hours and provided for other safeguards. Once a case file had been opened by an investigating judge, a suspect could be held in detention for a maximum of 10 days, rather than the maximum period of 21 days that had been allowed before article 16 had been amended. The period of detention could be extended, if necessary, by the investigating judge or the prosecutor, however.

16. **Mr. Seetulsingh** said that the Committee was grateful for the statistics circulated by the delegation, but could not comment on them until they had been translated from Arabic.

17. The Committee was aware that article 163 of the Constitution established the irremovability of judges and that a judicial council oversaw the appointment of judges. Nevertheless, as noted by the Committee in paragraph 15 of the list of issues, it was concerned that the fixed-term — and therefore insecure — employment contracts held by some judges threatened to jeopardize their impartiality. It would also be helpful to know whether foreign judges presided over some of the higher courts as well as lower courts and, if so, how many.

18. With regard to the questions raised in paragraph 16 of the list of issues, given that foreign nationals could not appeal administrative removal orders, since they were not subject to judicial review, what remedies were available to them other than the mechanisms provided by the United Nations High Commissioner for Refugees? The Committee would like to have confirmation that the age of criminal responsibility had indeed been raised to 15 years. Finally, in connection with paragraph 22 of the list of issues, he would like to invite the delegation to comment on the proposed legislation that would regulate the existence and activities of political parties.

19. **Mr. Politi** said that the Committee would like more information on the nationality law mentioned earlier in the meeting, specifically with regard to the conditions under which nationality could be passed from a Kuwaiti woman to her children. Given that, during the discussion on the death penalty held the previous day, the delegation had mentioned three recent executions but had elaborated on only two of them, the Committee would like detailed information on the circumstances surrounding the third. What was the minimum age for the application of the death penalty? In paragraph 18 of its concluding observations

on the State party's second periodic report (CCPR/C/KWT/CO/2), the Committee had expressed concern regarding the discriminatory, inhuman treatment of migrant domestic workers under the present sponsorship system and, in its replies to the list of issues (CCPR/C/KWT/Q/3/Add.1), the State party had said that it was working with regional and international organizations to find alternatives to that system. The Committee would like further information on the legislation introduced with that purpose in mind and, in particular, on article 3 of Act No. 109 of 2013 on the establishment of the Public Authority for Manpower. Were any other initiatives planned?

20. As the Committee on the Elimination of Racial Discrimination had recently noted (CERD/C/KWT/CO/15-20), the State party lacked sufficiently specific labour legislation for the protection of the rights of migrant and domestic workers. Although the Committee was aware of a 2010 labour law that applied to the private sector and a 2015 law on the labour rights of domestic workers, it would appreciate further information on the overall legislative situation in the labour sector. It would be helpful if the delegation could comment on reports of the abuse of domestic workers by police and immigration officials and the measures taken at the administrative level to prevent such abuses in the future.

21. The Committee would like an update on the development of a national strategy to combat human trafficking and migrant smuggling. Statistics on the number of investigations and prosecutions conducted in cases involving those offences would also be of interest. Could the delegation provide information on the measures taken to combat the trafficking of persons for sexual exploitation? The fact that women who had been forced into prostitution against their will had to bear the burden of proof in court was a particularly onerous situation for those women and hindered the authorities' efforts to bring the responsible parties to justice.

22. While the State party adhered to the principle of non-refoulement, its legal order was not fully in line with international human rights standards in that respect, since it was party to neither the 1951 Convention relating to the Status of Refugees nor the 1967 Protocol relating to the Status of Refugees. The State party had informed the Committee that there were no refugees on its territory but, according to other sources, as of January 2016, it was hosting approximately 1,800 refugees, primarily from Iran, Iraq and Somalia, and some 4,000 displaced Syrian nationals. The Committee would like to know which laws governed their treatment, whether they were subject to the rules of the sponsorship system and what was being done to protect them from becoming involved in forced labour or from being trafficked? Would the delegation comment on reports that the Ministry of the Interior continued to impose daily overstay fines on refugees?

23. **Sir Nigel Rodley** said that he would like to have factual information on the actual cases in which persons had been prosecuted for sexual offences, including the offence of imitating persons of the opposite sex, and on cases involving attacks on sexual minorities. As to the questions regarding the prison system raised in paragraph 12 of the list of issues, he was impressed by the State party's transparency and appreciated its openness with regard to the problem of overcrowding. Over the years, the Committee had learned that it was difficult for a State to solve the problem of prison overcrowding by building new facilities; rather, the ultimate solution appeared to be to reduce the prison population. The Committee would like to receive confirmation that the proposed transfer system for foreign detainees would be consent-based, as was stipulated in the Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners. He would appreciate it if the delegation could supplement the information it had already provided on the legal and institutional arrangements for the prosecution of persons suspected of committing acts of torture or ill-treatment. Details would be appreciated on the specific acts involved, the types of trials and disciplinary proceedings that had been pursued, the specific types of sanctions imposed in each case and the number of such cases.

24. With regard to the questions raised in paragraph 19 of the list of issues, although the Committee understood that there had been no conscription since 2001, it would be useful to know the extent to which — were a law providing for conscription to be reintroduced — the right to alternative service for conscientious objectors would be recognized. The State party had informed the Committee that there could be no alternative to military service if the State came under attack, and it would be helpful to know what circumstances would qualify as an attack.

25. More information was needed on the legislation banning the dissemination of material offensive to persons' religious beliefs, in particular with regard to its application to faiths other than Islam. The procedure for obtaining authorization to build places of worship for religions that were "of the book" had been explained, but the situation for other faiths remained unclear.

26. The replies provided in respect of paragraph 20 of the list of issues, had also focused on legal provisions rather than actual practice. A 2015 Amnesty International report had drawn the Committee's attention to a number of violations of the right to freedom of expression in the State party. Most of the reported cases had involved persons imprisoned for having insulted the Emir but, as an executive Head of State, he and his policies should surely not be immune from criticism. Why, then, were people such as Musallam al-Barrak in prison? Although it was written in the State party's replies to the list of issues that cybercrime was punishable by the imposition of a fine, the Committee had been informed of cases of imprisonment, including that of Ayyad al-Harbi. It seemed that the State party's traditional protection of the right to freedom of expression had recently been compromised. In the light of the provisions of the Gulf Cooperation Council security agreement, which facilitated the criminalization of criticism of Gulf countries or rulers, the Committee would like to invite the delegation to comment on a string of recent arrests, including the arrest on 6 January 2016 of Saleh al-Mulla for insulting the Egyptian president.

27. **Mr. Bouzid** said that, with regard to the questions raised in paragraph 21, the Committee would like to know whether legislative amendments would be introduced in order to provide better protection for the right to freedom of assembly and association. The Committee had received reports that, from 2011 to 2015, the authorities had used force to disperse at least 12 peaceful demonstrations. According to reports submitted to the Committee, the police often arrested demonstrators on spurious grounds, and numerous individuals had recently been arrested during a demonstration to protest the arrest of Musallam al-Barrak. Pursuant to article 12 of the Constitution, foreign nationals, who made up a large proportion of the population, were banned from participating in demonstrations altogether. The Committee hoped that the commitments made by the State party in the course of its recent universal periodic review to protect the right to freedom of assembly and association would soon translate into practical action.

28. With respect to the questions raised in paragraph 26, the Committee would like to know more about the basis for the State party's policy of granting naturalized citizens the right to vote only after they had been citizens for 20 years. Did the State party plan to review its position on the right to vote? The State party was to be congratulated for posting its periodic report on the website of the Ministry of Foreign Affairs and inviting civil society organizations to contribute to the discussion on the subjects covered in the report. It would be useful to learn more about the outcomes of that process. The Committee would like to hear the delegation's comments on reports that the board of directors of the Kuwait Transparency Society had been dissolved and that representatives of some NGOs had not travelled to Geneva to participate in human rights discussions for fear of reprisals.

29. **Mr. Fathalla** said that, with regard to the issues raised in paragraphs 24 and 25, the Committee would like to know whether the figure of 26,348 which had been cited earlier represented the total number of birth certificates issued in Kuwait. Further information was

needed on the terms and conditions relating to nationality set out in Act No. 15 of 1959. Under what circumstances could nationality be revoked? Could a person appeal a revocation decision and, if so, had any such appeals been successful in the past?

30. He wished to know why the minimum age of marriage set out in the Personal Status Act could not be raised in line with international standards. He would appreciate further information on the relationship under sharia law between the age of puberty and the minimum age of marriage. Why was there a difference between the age of marriage for males and females?

31. **Mr. Ben Achour** said that sharia law existed for the good of the people, and interpretations of the law were constantly evolving in step with changing circumstances. Developments in some Muslim countries had led to the promotion of gender equality and to women's empowerment, and some States had even adopted legislation prohibiting polygamy. Such developments were inevitable and need not be viewed as inconsistent with the sharia. As for the question of sexual identity and sexual orientation, throughout history eminent leaders and philosophers of the Islamic tradition had freely discussed the topic and, in that light, he wondered whether approaches to same-sex relationships other than criminalization and punishment would not be more appropriate. It was important to understand that different sexual orientations were not a matter of deviant behaviour but a natural condition. Rather than harbouring prejudices, we should analyse the situation objectively, as a social phenomenon, in order to gain an understanding of it and address it appropriately. The sharia has something to say on this matter, but science also has things to teach us that cannot be ignored.

32. **Mr. de Frouville** said that he had not received an answer to the questions regarding abortion that he had posed during the preceding meeting; perhaps the delegation could provide those answers in writing at a later date. He, too, was concerned by the use of legal arguments to justify discriminatory provisions relating to sexual orientation. The list of types of discrimination prohibited under the Covenant was not exhaustive; no form of discrimination was acceptable. Any kind of distinction made between one group of persons and another had to be justified on the basis of objective, reasonable considerations and must not be based on stereotypes.

33. **Ms. Cleveland** said that the lack of civil society participation in the preparation of the periodic report and the possibility that the absence of NGOs from the current dialogue was perhaps due to fears of reprisal were matters of serious concern. Inputs from civil society and NGOs were essential to the work of the Committee. She would like information on the numbers and situations of the so-called *Bidoon* residents who remained unregistered and without identity documents. It was her understanding that the fact that they were unregistered prevented them from voting or standing for electoral office, hampered their access to social services, education and housing, restricted their freedom of movement and put them at risk of deportation or administrative detention if they were found guilty of certain crimes. Further details would also be appreciated on reported plans to have another country offer the *Bidoon* community "economic citizenship" as a means of regularizing their status as foreign nationals resident in Kuwait and thus giving them access to employment, education and health services.

Mr. Iwasawa (Vice-Chair) took the Chair.

34. **Mr. Alghunaim** (Kuwait) asked whether the Committee had ever heard of reprisals having been taken against NGOs for sending representatives to attend international meetings. Any such allegations were false, and the motives of those who had made them were highly questionable. It was possible that some NGOs had chosen not to attend because it was the month of Ramadan. A similar accusation had been levelled at the State party during the universal periodic review and had been proved to be unfounded. The allegations

of repression of peaceful dissent contained in the 2015 Amnesty International report mentioned earlier by Sir Nigel Rodley were also baseless.

35. **Ms. Al-Naqi** (Kuwait) said that 17 conferences involving civil society had been held over the previous six months. Human rights training was provided to the staff of the Ministry of Social Affairs and Labour. The board of directors of the Kuwait Transparency Society had been dissolved owing to its violation of article 6 of the Clubs and Public Utility Associations Act, but a new board had since been appointed.

36. **Mr. Almahana** (Kuwait) said that national legislation on freedom of expression did not provide for pre-emptive measures to suppress hate crimes. The provisions relating to freedom of expression in the National Security Act did not define criticism of public policies as a criminal offence. All investigations were conducted in accordance with international law, and legal proceedings were not instituted against individuals on grounds of their political affiliation. While quite a large number of personal defamation claims had been lodged, very few of those cases involved public officials. Only the courts were empowered to resolve such matters.

37. All persons were guaranteed the right to peaceful assembly under article 44 of the Constitution and article 21 of the Covenant. The Constitutional Court had issued a ruling in 2006 in which it had declared certain legislative provisions that had limited that freedom to be unconstitutional. The laws governing peaceful assemblies prohibited rallies that blocked roads or squares and required demonstration organizers to obtain licences as a means of ensuring adequate police oversight and protecting the freedom of non-participants. Foreigners were not entitled to apply for such licences, and all persons participating in illegal demonstrations were liable to prosecution.

38. **Mr. Alghunaim** (Kuwait) said that requiring demonstration organizers to obtain a licence and preventing rallies from being staged outside certain types of public buildings were accepted practices at the international level. No charges had been brought against anyone for insulting the Emir.

39. **Mr. Alkhandari** (Kuwait) said that between 2010 and 2015 legislative amendments had been introduced that enhanced the freedom of the press; there were currently over 50 newspapers and other press publications in the country, and everyone had the right to apply for a media licence. Furthermore, the legal requirement for government review of all material prior to publication had been repealed, and the defendants in many public defamation cases had been acquitted. Where freedom of expression encroached on the rights of others, however, limits had to be imposed.

40. **Mr. Aldeen** (Kuwait) said that foreign nationals could participate in demonstrations on an equal footing with Kuwaitis. Demonstrations held in front of embassies had been permitted, and the authorities had intervened in those demonstrations only in the performance of their duty to protect the public.

41. Regulations governing nationality were in line with international standards. People were not stripped of their citizenship for political reasons; citizenship could be revoked if it was found to have been granted on false grounds, if a person had been convicted of treason within 10 years of having been awarded citizenship or if such a step was necessary to safeguard the national interest. The reference in the Nationality Act to actions that threatened the higher interest of the State alluded to acts that disrupted the public order or compromised relations between Kuwait and the outside world. A number of appeals against the revocation of citizenship had been filed, but no rulings had yet been issued in most of those cases. Two decisions had been rendered by administrative courts — the first in 2013 and the second in the past two days — in which they had overturned earlier decisions and had reinstated the appellants' citizenship.

42. **Mr. Alghunaim** (Kuwait) said that citizenship defined the legal relationship between the individual and the State, and all States had full power to adopt their own nationality laws.

43. **Mr. Alansari** (Kuwait) said that the judiciary was one of the three branches of government, and the Constitution provided for the separation of those powers in order to reinforce the country's democracy and protect the rights of the people. The Supreme Judicial Council oversaw the appointment of judges and prosecutors and set out their powers and duties in line with the Constitution. The Council recruited well-qualified foreign judges to meet shortfalls in judicial staffing, awarding them four-year contracts that could be renewed for an additional two years. In 2016, the Council had decided to restrict the assignment of foreign judges to courts of first instance.

44. Kuwait was party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2013, it had adopted the Prevention of Trafficking in Persons and Smuggling of Migrants Act No. 91. Article 12 of the Act stipulated that victims were to be referred to medical or social welfare institutions in order to receive care and treatment. They were subsequently to be transferred to shelters prior to being repatriated to their country of origin or to the country where they had resided at the time that they had been trafficked. Kuwait rigorously complied with the law when investigating and prosecuting perpetrators and identifying victims, and the Department of Public Prosecution expedited the trials of suspected human traffickers and their accomplices. The Council of Ministers had recently set up a committee, headed by the Minister of Justice, to develop a comprehensive strategy for combating human trafficking. That committee had now finalized its proposal and had presented it to the Council for adoption.

45. **Mr. Almahana** (Kuwait) said that foreign judges were recruited on the basis of bilateral agreements. Their employment contracts could be renewed only with their consent and that of their Government. There were currently 640 Kuwaiti and 250 non-Kuwaiti judges. The extinction of the immunity enjoyed by foreign judges coincided with the end of their mandate. Such immunity afforded the necessary protection to allow judges to exercise their profession with impartiality.

46. **Mr. Al-Ali** (Kuwait) said that the many opportunities offered by his country's labour market had attracted workers from all parts of the world. The sponsorship system had been set up in an effort to guarantee the best working conditions for those workers. In conjunction with the International Organization for Migration (IOM), work had been undertaken with a view to amending Kuwaiti labour laws relating to the recruitment of foreign workers. Consideration was being given to possible amendments of, for example, article 57 of the Private Sector Employment Act No. 6 of 2010, which contained provisions on remittances by foreign domestic workers, in order to ensure that such workers could send remittances without their employer's approval. In addition, Act No. 109 of 2013 provided for the establishment of the Public Authority for Manpower, which was responsible for supervising the recruitment of workers in the petroleum sector. Other legislative measures provided for the establishment of a labour dispute settlement body.

47. Between 2014 and 2016, nearly 500,000 workers had transferred from one employer or from one occupation to another in Kuwait under the supervision of the Public Authority for Manpower. Nearly 16,000 persons had changed occupations during the first half of 2016 alone. A new body had been entrusted with responsibility for formulating labour market policy and establishing the recruitment conditions for each occupation. A system had also been devised to coordinate with the ministries of labour of workers' home countries in order to make it easier for them to maintain oversight of the application and recruitment processes.

48. A system for conducting regular announced and unannounced labour inspections had been established, as had a system that allowed workers to lodge complaints against employers who confiscated their travel documents or committed other infractions. Advisers from IOM had proposed the establishment of a programme for the reintegration of foreign workers into their countries of origin following their return from Kuwait. In 2014, the Kuwaiti Government had set up a two-year cooperation programme with three international organizations — the United Nations Development Programme (UNDP), the International Labour Organization (ILO) and IOM — under which a labour market study had been carried out to identify gaps in the implementation of national and international standards. An awareness-raising campaign on the rehabilitation of victims of human trafficking had also been launched.

49. **Ms. Al-Naqi** (Kuwait) said that, by law, minors between the ages of 7 and 15 were not criminally responsible; minors who had come into conflict with the law were considered to be under their parents' responsibility and were provided with opportunities for training and social rehabilitation. The law afforded additional judicial guarantees to young people, such as dispensation from appearing before a judge during judicial proceedings and the entitlement to psychological consultations.

50. **Mr. Alwahib** (Kuwait) said that an official record was kept of all persons who resided in Kuwait, irrespective of their immigration status. A distinction was drawn between those registered only with the Public Authority for Civil Information, who were issued a civil status number, and those registered with both that office and the Central Agency for Regularization of the Status of Illegal Residents, who received an identity card. Some 688 individuals fell into the former category. Even though they did not have an identity card, they were still entitled to health and educational services. They could also obtain a driver's licence or birth certificate and could be issued a travel document in order to undertake a pilgrimage.

51. **Mr. Alharbi** (Kuwait) said that conscientious objection to military service was an expression of the freedom of belief, and alternatives to military service were made available to those who declared themselves to be objectors. However, the Constitution provided that military service was a sacred duty and that everyone, without exception, was required to perform such service if the country were invaded by an enemy State, which had indeed happened in the recent past.

52. Article 35 of the Constitution provided that freedom of belief and religion was absolute, which meant that it was not restricted in any way. The State guaranteed all persons the right to practise their religion, subject only to the condition that the public order should not be disturbed, which was in conformity with the letter and spirit of article 18 of the Covenant. The law did not prohibit the construction of places of worship, but did impose certain requirements; for example, they could not be more than 18,000 square metres in size.

53. **Mr. Al-Ali** (Kuwait) said that Act No. 68 of 2015, which governed all working conditions for domestic workers, established procedures for the settlement of disputes and set forth employers' obligations, including those relating to wages, meals and accommodation, as well as all other guarantees associated with employee welfare.

54. **Ms. Almutairi** (Kuwait) said that the Government had modelled its approach to gender equality on the *Global Gender Gap Report 2015*. With regard to women's participation in political life, it was noteworthy that the Kuwaiti legislature had re-established female suffrage in May 2005 by amending a 1962 law in order to grant women full political rights. That had represented a major step forward for Kuwaiti women and a successful outcome for the women's rights campaigners who had been working towards that goal for so long. In 2008, women had made up 8 per cent of the members of the

National Assembly and had won three more seats in 2012. While it was true that currently no women held seats in the legislature, there were no statutory impediments to women's participation in that body. There were two city council members who were women, and women were currently serving as ambassadors, university deans and project managers in the public and private sectors. In addition, a Kuwaiti woman had been selected as Chairperson of the region-wide Council of Arab Businesswomen.

55. **Mr. Alghunaim** (Kuwait) said that restrictions on the size of places of worship were in place simply owing to the small size of the country.

56. **Mr. Almutairi** (Kuwait) said that there were no legal obstacles to the establishment of political parties, which were represented in the National Assembly and participated in drafting and debating new legislation that dealt with human rights and other topics. Political parties were routinely consulted in the course of the preparation of periodic reports to the United Nations human rights treaty bodies.

57. **Mr. Alghunaim** (Kuwait) said that his delegation welcomed the many constructive comments and questions of Committee members. Despite the enormous security concerns Kuwait faced as a result of its geographical location, it would continue to uphold the rule of law in order to protect the rights and freedoms of its people.

58. **The Chair** thanked the members of the delegation for the candour with which they had replied to the Committee's questions during the interactive dialogue and wished them a safe journey back to Kuwait.

The meeting rose at 1.05 p.m.