



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from Kuwait on follow-up to
the concluding observations on its fourth periodic
report***

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* The present document is being issued without formal editing.



I. Introduction

With reference to paragraphs 22 (e), 24 and 28 (a) of the concluding observations (CAT/C/KWT/CO/4)

1. In its concluding observations on the fourth periodic report of Kuwait, the Committee against Torture requested information on follow-up to the recommendations it made in paragraph 22 (e) (conditions of detention), paragraph 24 (Human Rights Diwan and monitoring of detention facilities) and paragraph 28 (a) (allegations of torture or ill-treatment and the lack of accountability). In reply to that request, the State Party can provide the following information:

II. Information on follow-up to the concluding observations

A. Paragraph 22 (e) on conditions of detention and paragraph 28 (a) on allegations of torture or ill-treatment and the lack of accountability

2. Kuwait attaches great importance to the concluding observations of the Committee against Torture and can reaffirm that it is striving to improve detention conditions and bring them into line with international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Infrastructure projects are currently being carried out for the improvement of sanitary facilities and the comprehensive maintenance of places of detention. One of the most significant of these projects is the construction of a new modern prison complex that meets the highest international standards, with adequate ventilation and natural light. The Ministry of the Interior is also in the process of expanding rehabilitation, educational and recreational activities for inmates, with a view to their reintegration into society.

3. The Ministry of Health helps to reduce prison overcrowding by applying article 33 bis of Act No. 74 of 1983 in order to suspend penalties against repentant drug users. It also seeks to enforce article 80 of the Prisons Act, which concerns pardons on grounds on ill health, and it includes the names of inmates suffering from chronic or incurable diseases in the annual royal pardon. Stakeholders are currently coordinating to build a modern, fully equipped hospital within the prison complex to provide the best possible care for inmates. The most important measures being taken by the competent authorities are described below:

(a) The Ministry of the Interior, the Ministry of Health and other stakeholders are coordinating to improve sanitary facilities and to carry out comprehensive maintenance in all places of detention, the aim being to address unsanitary conditions and replace outdated infrastructure.

(b) Work is under way to build a new modern prison complex that meets the highest international standards, with adequate ventilation and natural light.

(c) The Ministry of the Interior is cooperating with government institutions and civil society organizations to improve rehabilitation, educational and recreational activities for inmates, with a view to reintegrating them into society and reducing the risk of recidivism.

(d) The Ministry of the Interior can reaffirm the independence and effectiveness of the healthcare provided in prisons, where it delivers physical and mental healthcare services, in cooperation with the Ministry of Health, which is responsible for supervision and staffing.

(e) Medical staff, who belong to the Ministry of Health, act with complete impartiality in seeking to detect any injuries and document them in medical files. Since the mid-1950s, the healthcare services provided in detention centres by the Ministry of Health have been considered to be among the best of their kind.

(f) There is a team of full-time doctors and a doctor on call 24 hours a day. Specialized doctors and psychotherapists are also available.

(g) Work is currently under way on a project to build a modern, fully equipped hospital within the prison complex, which will offer specialized mental health support and have a larger number of trained medical staff.

(h) The Public Authority for the Workforce seeks to ensure adequate shelter, protection and services for migrant workers via physical and mental health clinics.

(i) The central prison hospital and its associated clinics are all located inside the prison, close to inmates' accommodation areas.

(j) Each inmate has a comprehensive medical file containing a record of the medical examination upon admission, test results and routine vaccinations. Approved international protocols are applied, under the supervision of the Ministry of Health.

4. As concerns allegations of torture and ill-treatment, the Ministry of the Interior can reaffirm its unwavering commitment to combating any form of torture and its policy of zero tolerance towards any violations. Preliminary investigations in this regard are conducted by the General Department for Oversight and Inspection which, as a guarantee of impartiality, is under the direct oversight of the Minister of the Interior. Suspects who are members of the security services are immediately referred to the Office of the Public Prosecution and are suspended from service for the duration of the investigation.

5. The Office of the Public Prosecution, which oversees prisons, treats actions of this kind as criminal offences. It investigates all allegations of torture, whether or not they have been reported by detainees, and it carries out unannounced visits to prisons. Instructions from the Office of the Public Prosecution require prosecutors to begin their investigations with an immediate physical examination of the alleged victim, to document any injuries and, in cases where torture has been alleged, immediately to refer the person concerned to a forensic medical examiner. A new mechanism for filing complaints in complete confidentiality has been introduced; this entailed changing the name of the "Prosecution Office for International Cooperation" to the "Prosecution Office for International Cooperation and Human Rights". The Office of the Public Prosecution has also had occasion to invoke recent court rulings against officers in the Ministry of the Interior for committing acts of torture. Article 53 of the Criminal Code has been amended under Decree-Law No. 93 of 2024; it now explicitly defines the crime of torture in a manner consistent with article 1 of the Convention and envisages more severe penalties. For its part, the Ministry of Justice has underscored the importance of training security personnel and prosecutors in international human rights and anti-torture standards. The Public Authority for the Workforce can confirm that local laws guarantee workers' rights, envisage support and compensation for victims of abuse and impose deterrent penalties on violators.

6. In the light of the foregoing, the following measures have been put in place:

(a) The General Department for Oversight and Inspection at the Ministry of the Interior is responsible for conducting preliminary investigations into complaints of torture and ill-treatment by Ministry personnel. As a guarantee of effectiveness and impartiality, the Department is under the direct oversight of the Minister of the Interior.

(b) Security personnel who have committed violations are immediately referred to the Office of the Public Prosecution, which is an independent investigative body with jurisdiction over such matters.

(c) Suspects are suspended from service immediately and for the duration of the investigation in order to prevent them having any influence on the course of proceedings. Statistics from the Ministry of the Interior show that effective accountability measures have been taken in proven cases.

(d) Detention facilities are inspected to verify that detainees are being held legally, and surveillance cameras have been installed inside the facilities.

(e) Detainees enjoy all the legal rights and safeguards envisioned in the Code of Criminal Procedure (Act No. 17 of 1960), as amended.

(f) Reports of instances of torture can reach the Office of the Public Prosecution in various ways, including reports from victims, their families or their lawyers, or via unannounced visits to prisons.

(g) Instructions from the Office of the Public Prosecution require prosecutors to begin their investigations with an immediate physical examination of the alleged victim to ensure that there are no injuries. If any injuries are detected, the alleged victim is to be asked to account for them and to identify who caused them.

(h) In the presence of allegations of torture or cruel treatment, the party concerned is to be referred to a forensic medical examiner for an immediate examination and an investigation into the allegations.

(i) If there is any lack of clarity, forensic medical examiners can be questioned about the reports they file and about how they reached their conclusions.

(j) A new mechanism for filing complaints in complete confidentiality has been introduced; this entailed changing the name of the “Prosecution Office for International Cooperation” to the “Prosecution Office for International Cooperation and Human Rights”, pursuant to Decree No. 34 of 2024. The newly named institution is responsible for receiving complaints, reports and notifications related to human rights.

(k) The Office of the Public Prosecution deals with acts of this kind even in the absence of any report, merely by invoking court rulings against officers in the Ministry of the Interior for committing acts of torture.

(l) Workers’ prerogative to enjoy all their rights are guaranteed under local laws, such as the Private Sector Employment Act No. 6 of 2010 and the Domestic Workers Act No. 68 of 2015.

(m) Labour-related complaints are dealt with as quickly as possible, and a decision is rendered within a maximum of two weeks.

(n) If a complaint against an employer is upheld, a set of deterrent penalties can be imposed under Act No. 68 of 2015. These can include an obligation on the employer to pay fair compensation, a term of imprisonment, a fine or a suspension of the issuance of entry permits for domestic workers for that employer for a period of 6 months. The penalties are doubled in the case of repeat offences. If an amicable solution to a complaint cannot be reached, the matter is referred to the competent court.

(o) Regulations clearly state that no convicted prisoner or detainee may be subjected to any form of torture or cruel, inhuman or degrading treatment, in accordance with international treaties.

(p) All stakeholders work in coordination with the legislature and the judiciary to review and update the relevant provisions and to prohibit disciplinary practices that might constitute a violation of the Convention, such as the use of metal restraints or deprivation of food as a punishment.

(q) As concerns the recommendation to amend article 58 of the Prisons Act, it should be noted that solitary confinement is applied only in the most limited circumstances and in proportion to the severity of the offence committed by inmates while serving their sentence. The same practice is applied in most prisons around the world. As designated by legislators in the Prisons Act, inmates are placed in confinement as a disciplinary measure for a period of 7 days. This administrative penalty is duly recorded in the prison logbook, along with the date of entry and release. Inmates who have been placed in solitary confinement have adequate living conditions and receive healthcare.

(r) A study is currently under way to examine the possibility of amending article 58 (2) of Prisons Act No. 26 of 1962, which envisages “limiting the types of food that may be distributed for a period not exceeding 7 days.”

7. In order to counteract the reluctance of victims and witnesses to report crimes, the Ministry of the Interior is seeking to provide them with protection. To ensure confidentiality and prompt reporting, it has set up the hotline 112 to receive complaints in all places of detention. In addition to this, the Office of the Public Prosecution investigates acts of torture

even in the absence of any report from the victim, and it conducts unannounced visits to prisons in order to obtain information. For its part, the Public Authority for the Workforce seeks to protect domestic workers from retaliation or deportation by placing a “do not proceed” flag in the automated system so that employers are unable to report a worker’s absence until any complaints have been fully investigated.

8. The Ministry of Health refutes the claim that medical personnel have been reluctant to document evidence of torture. Medical staff working in the prison complex are neutral and independent; they work in complete freedom and are directly responsible to the Ministry. Any injuries are fully recorded in detail in an inmate’s medical file. The Office of the Public Prosecution gives great importance to medical certificates issued by doctors at the Department for Forensic Medicine, which is an impartial body and an important tool in investigations. Forensic medical examiners can be questioned if there is any lack of clarity in their reports. This is evidence of the vital professional role forensic medicine plays in the investigation and evidence-gathering process.

B. Paragraph 22 (e) on the Human Rights Diwan and monitoring of detention facilities

9. As concerns the observations made about the Human Rights Diwan, the Ministry of the Interior wishes to make it clear that it cooperates with the Diwan and allows human rights organizations to visit prisons and meet with inmates. The Human Rights Diwan – an independent national institution established under Act No. 67 of 2015 – plays an advisory role in monitoring the implementation of recommendations. Moreover, it has itself recommended that committees investigating allegations of torture should intensify their efforts and has called for the development of monitoring and data-collection tools. The Diwan has also called on national authorities to establish a clear and time-bound plan of action for implementing priority recommendations. For its part, the Office of the Public Prosecution also has effective mechanisms at its disposal and can invoke court rulings in order to launch investigations into allegations of torture and hold perpetrators to account. At the same time, the Ministry of Justice is reviewing legislation to ensure that it complies with oversight standards, in which connection it has set up a committee to review the Criminal Code and verify its compatibility with the country’s international obligations.
