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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Kuwait

Addendum

**Views on the conclusions and/or recommendations and
voluntary commitments and responses by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.



I. Introduction

1. We wish to emphasize the State of Kuwait's respect for, and commitment to, the human rights enshrined in the State's Constitution of 1962 and in the laws and legislation promulgated pursuant thereto, from which it is clearly evident that the State of Kuwait is among the countries showing the highest regard for those rights, which it will continue to protect at the local level while endeavouring, together with the international community, to promote and protect all human rights.
2. The State of Kuwait re-emphasizes its firm commitment to the Universal Periodic Review, which constitutes a unique means to study and assess the development of human rights throughout the world and enables national authorities to exchange best practices in this field.
3. The State of Kuwait has accepted a large number of recommendations that are compatible with its constitutional principles and the teachings and precepts of the Islamic sharia, which is a source of legislation and the principal source for personal status law.
4. The following list of responses (accepting, partially accepting, taking note of or rejecting) specific recommendations grouped thematically shows the State's position in regard to each of those recommendations:

Responses of the State of Kuwait to the recommendations made during the consideration of its second national report within the framework of the Universal Periodic Review

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-1	Note taken
157-2	Rejected
157-3	Rejected
157-4	Rejected
157-5	Rejected
157-6	Rejected
157-7	Rejected
157-8	Rejected
157-9	Rejected
157-10	Rejected
157-11	Rejected
157-12	Rejected
157-13	Rejected
157-14	Rejected

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-15	Partially supported The first part (“continue strengthening the effort to take measures to protect the rights of migrants”) is accepted, while the second part (“consider ratifying ICRMW”) is rejected.
157-16	Rejected
157-17	Note taken Note is taken of the first part of the recommendation, while the second and third parts are rejected.
157-18	Note taken Although the State of Kuwait signed the Rome Statute of the International Criminal Court on 8 December 2000, it has not yet been ratified by the legislature for numerous constitutional and legal reasons. Hence, the State of Kuwait is not a State party to the Statute of the International Criminal Court; it is an observer State entitled solely to monitor the Court’s work and the proceedings of the Assembly of States Parties without actually participating therein. The State of Kuwait’s signature of the Rome Statute does not entail any treaty obligations or effects, as indicated in articles 125 and 126 of that Statute.
157-19	Note taken See 157-18
157-20	Note taken See 157-18
157-21	Note taken See 157-18
157-22	Note taken See 157-18
157-23	Note taken See 157-18
157-24	Note taken See 157-18
157-25	Note taken See 157-18
157-26	Rejected
157-27	Rejected

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-28	Rejected
157-29	Rejected
157-30	Rejected
	<p>The State of Kuwait rejects this recommendation because it is not applicable to the categories mentioned therein (the <i>Bidouns</i> and stateless persons). The issue that the State of Kuwait is looking into is the status of illegal residents who have concealed their national identity documents and are thereby in breach of the Residence of Foreigners Act No. 17/59.</p> <p>Moreover, although “stateless” is a legal term used in the Conventions of 1954 and 1961, its meaning as defined in those Conventions does not apply to illegal residents. A stateless person is one whom no State recognizes as a national under its legislation. In the case of illegal residents, on the other hand, their original nationalities have been established by the Central Agency on the basis of documentary evidence and, consequently, not being covered by those Conventions, they are regarded as being in breach of the Residence of Foreigners Act No. 17/59.</p> <p>They are therefore designated as illegal residents in accordance with Decree No. 467/2010, establishing the Central Agency, and the preceding Decree No. 221/93 establishing the Central Committee and Decree No. 58/96 establishing the Executive Committee.</p>
157-31	Rejected
	See recommendation 5-30
157-32	Rejected
	See recommendation 5-30
157-33	Rejected
	See recommendation 5-30
157-34	Rejected
	See recommendation 5-30
157-35	Accepted
157-36	Accepted
157-37	Accepted
157-38	Accepted
157-39	Accepted
157-40	Accepted
157-41	Accepted

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-42	Accepted
157-43	Accepted
157-44	Accepted
157-45	Accepted
157-46	Accepted
157-47	Accepted
157-48	Accepted
157-49	Accepted
157-50	Accepted
157-51	Accepted
157-52	Accepted
157-53	Accepted
157-54	Accepted
157-55	Accepted
157-56	Accepted
157-57	Accepted
157-58	Accepted
157-59	Accepted
157-60	Accepted
157-61	Accepted
157-62	Accepted
157-63	Accepted
157-64	Accepted
157-65	Accepted
157-66	Accepted
157-67	Accepted
157-68	Accepted
157-69	Accepted
157-70	Accepted
157-71	Accepted
157-72	Accepted

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-73	Accepted
157-74	Accepted
157-75	Accepted
157-76	Accepted
157-77	Accepted
157-78	Accepted
157-79	Accepted
157-80	Accepted
157-81	Note taken
157-82	Accepted
157-83	Accepted
157-84	Accepted
157-85	Accepted
157-86	Accepted
157-87	Accepted
157-88	Accepted
157-89	Accepted
157-90	Rejected
	The laws of the State of Kuwait, and particularly the Criminal Code, make no distinction between men and women in regard to punishment. All persons are equal and anyone who commits an unlawful act is liable to the same penalty.
157-91	Accepted
157-92	Accepted
157-93	Accepted
157-94	Accepted
157-95	Accepted
157-96	Note taken
	In the State of Kuwait, all persons, without distinction on the basis of gender, enjoy equality in the financial sector and likewise have a guaranteed equal right to education, health care and housing, as stipulated in the Constitution and the laws. With regard to the elaboration of a comprehensive anti-discrimination law, since the State's legal system provides a homogeneous and comprehensive guarantee of the rights of women and of the elimination of discrimination and injustice against them, it

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
	would be inappropriate to elaborate a comprehensive anti-discrimination law.
157-97	Note taken The rights and privileges of women are recognized in a number of relevant laws and legislative provisions. The stipulation that everyone has the right to education and all types of health insurance and care achieves the purpose insofar as it makes no distinction between men and women. Hence, there is no need to promulgate separate legislation. Legal rulings and regulations have already been issued under which women enjoy numerous privileges by virtue of their nature and, as in the case of all the public rights guaranteed in the Constitution, no distinction is made between men and women. The legal provisions concerning public rights and obligations apply to all citizens, regardless of their gender.
157-98	Accepted
157-99	Accepted
157-100	Accepted
157-101	Accepted
157-102	Accepted
157-103	Accepted
157-104	Accepted
157-105	Accepted
157-106	Accepted
157-107	Rejected In the light of article 2 of the Constitution of the State of Kuwait which stipulates that the Islamic sharia is a principal source of legislation and the religion of the State is Islam.
157-108	Rejected See 157-107
157-109	Rejected See 157-107
157-110	Rejected The civil law makes no distinction between men and women in regard to legal capacity and eligibility to dispose of property. The age of legal majority is 21 years, regardless of gender. Women's rights are also guaranteed to a large extent by the family law which makes provision for the establishment, in every governorate, of a family court to hear cases involving personal status, as well as the establishment of a centre,

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
	attached to each such court, to settle family disputes in a fully confidential manner. The purpose of these centres is to protect family members, and especially women and children, against subjection to violence or abuse and to settle maintenance and custody problems without delay.
157-111	<p>Note taken</p> <p>The State has promulgated a comprehensive corpus of special legislation to protect rights and freedoms and guarantee gender equality in respect thereof. The Labour Law does not differentiate between men and women in regard to remuneration or other rights, and the same principle of equal rights also applies to education, health, housing and social insurance.</p>
157-112	<p>Note taken</p> <p>The Civil and Criminal Codes and the Education Act do not discriminate between men and women since their general provisions apply to all citizens, regardless of gender. They recognize equal rights and impose equal obligations in conformity with article 29 of the Constitution. If the provisions of any enactment were discriminatory, its constitutionality would be challenged before the Constitutional Court, which would annul it. Therefore, the bodies responsible for the drafting of legislation take care to ensure that it does not conflict with the Constitution, under which equality is guaranteed regardless of gender.</p>
157-113	<p>Note taken</p> <p>The State has amended numerous legislative enactments containing discriminatory provisions affecting the freedom of women to apply for passports and to travel without the need for their husband's permission, as well as their political right to vote and stand as candidates in parliamentary elections, their right of access to all public offices without discrimination, and their right to housing.</p> <p>With regard to nationality, there is no intention to amend the legislation on this issue since it is a sovereign matter.</p>
157-114	<p>Rejected</p> <p>There is no proposal to amend the Nationality Act at the present time.</p>
157-115	<p>Note taken</p> <p>It is noteworthy that the Kuwaiti Nationality Act No. 15/1959 permits a Kuwaiti woman to transmit her nationality to her children under certain conditions specified therein.</p>

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-116	Partially supported The first part of the recommendation (“remove all gender-discriminatory provisions from the Nationality Act of 1959”) is rejected on grounds relating to the State’s sovereignty. The second part (“adopt comprehensive plans of action to achieve gender equality”) and the third part (“to fight violence against women”) are accepted.
157-117	Note taken
157-118	Rejected
157-119	Rejected
157-120	Rejected See recommendation 157-30
157-121	Rejected In the light of article 2 of the Constitution of the State of Kuwait which stipulates that the Islamic sharia is a principal source of legislation and the religion of the State is Islam.
157-122	Rejected See recommendation 157-121
157-123	Rejected See recommendation 157-121
157-124	Rejected See recommendation 157-121
157-125	Rejected See recommendation 157-121
157-126	Rejected See recommendation 157-121
157-127	Rejected See recommendation 157-121
157-128	Rejected See recommendation 157-121
157-129	Rejected See recommendation 157-121
157-130	Rejected See recommendation 157-121

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-131	Rejected See recommendation 157-121
157-132	Rejected See recommendation 157-121
157-133	Rejected See recommendation 157-121
157-134	Rejected See recommendation 157-121
157-135	Rejected See recommendation 157-121
157-136	Rejected See recommendation 157-121
157-137	Rejected See recommendation 157-121
157-138	Rejected See recommendation 157-121
157-139	Rejected Acts of violence against the person are criminalized under the provisions of articles 160–164 of the Kuwaiti Criminal Code, which apply to all persons without any discrimination in regard to gender. The Criminal Code and the Code of Criminal Procedure, which constitute the general law on crime and punishment, regulate offences against the person in a comprehensive and equitable manner without regard for the gender of the offender or the victim. The law criminalizes all acts of violence and aggression against women (domestic violence, rape and indecent assault) and the factors of age and degree of kinship or relationship to the victim constitute aggravating circumstances in regard to the penalty prescribed. The State has taken many measures to protect women against violence. For example, the Ministry of the Interior has established a Community Police Department to provide sociopsychological support for women subjected to violence and, under the family law, centres have been established in all the governorates to receive wives subjected to violence and settle their problems.

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-140	Note taken See 157-139
157-141	Accepted
157-142	Accepted See 157-139
157-143	Accepted See 157-139
157-144	Accepted See 157-139
157-145	Accepted See 157-139
157-146	Accepted
157-147	Accepted
157-148	Accepted
157-149	Accepted
	It should be noted that, in accordance with article 6 of the Rights of the Child Act, the guardian is empowered to take moderate disciplinary action.
157-150	Accepted
157-151	Accepted
157-152	Accepted
157-153	Accepted
157-154	Accepted
157-155	Accepted
157-156	Accepted
157-157	Accepted
157-158	Accepted
157-159	Accepted
157-160	Accepted
157-161	Accepted
157-162	Accepted
157-163	Accepted

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-164	Partially supported The first part (“create a system of juvenile justice in line with international standards”) is accepted, while the second part (“raise the minimum age of criminal responsibility”) is rejected as being incompatible with the existing legal system.
157-165	Rejected Due to its incompatibility with the existing legal system, bearing in mind the fact that criminal penalties cannot be imposed on a juvenile offender under 15 years of age.
157-166	Accepted
157-167	Accepted
157-168	Accepted
157-169	Rejected Due to its incompatibility with the precepts of the Islamic sharia and the State’s social values.
157-170	Rejected See 157-169
157-171	Rejected See 157-169
157-172	Rejected See 157-169
157-173	Accepted
157-174	Accepted
157-175	Accepted
157-176	Note taken The Constitutional Court has already reviewed the extent to which the criminalization of the acts referred to in article 25 of the Criminal Code is in compliance with international standards of freedom of expression. On 2 December 2013, the Court ruled that the objections raised in that regard were inadmissible and, consequently, the criminalization of such acts was sound insofar as it did not preclude criticism of public policies which, by their very nature, were subject to general debate and review by the State’s public authorities. It should be noted that article 111 of the Criminal Code plays an important role in protecting spiritual life and the human right to freedom of religious belief insofar as it ensures social harmony in a multi-faith society and prevents the strife between followers of different religions that might occur if it were permissible for

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
	one group to defame another group's religion, bearing in mind the fact that the right to criticize a religion is guaranteed within the context of specialized academic research.
	With regard to the protection of human rights defenders, journalists and bloggers against persecution and harassment, it goes without saying that such persons can be prosecuted only if they violate the provisions of the Criminal Code and any allegation of ill-treatment is promptly investigated by the competent authorities.
157-177	Accepted
157-178	Note taken
157-179	Accepted
157-180	Accepted
157-181	Accepted
157-182	Accepted
157-183	Accepted
157-184	Accepted
157-185	Accepted
157-186	Accepted
157-187	Accepted
157-188	Accepted
157-189	Accepted
157-190	Accepted
157-191	Accepted
157-192	Accepted
157-193	Accepted
157-194	Accepted
157-195	Accepted
157-196	Accepted
157-197	Accepted
157-198	Accepted
157-199	Accepted
157-200	Accepted

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-201	<p data-bbox="539 300 663 327">Note taken</p> <p data-bbox="539 353 1278 667">Education is free and compulsory for all Kuwaitis, as stipulated in article 40 of the Constitution (“The State shall guarantee and safeguard the right of all Kuwaitis to education”) and in article 1 of the Compulsory Education Act No. 11 of 1965, as amended by Act No. 25 of 2014, (“Education shall be compulsory for all male and female Kuwaiti children”). However, the State of Kuwait recognizes the right of all to be taught in private or government schools and, by way of exception, allows children of the following categories to study in Kuwaiti government schools:</p> <ol data-bbox="539 692 1278 1924" style="list-style-type: none"> <li data-bbox="539 692 1198 757">1. Children of nationals of States members of the Gulf Cooperation Council. <li data-bbox="539 779 1230 806">2. Children of Kuwaiti mothers married to non-Kuwaitis. <li data-bbox="539 828 858 855">3. Children of diplomats. <li data-bbox="539 878 1230 904">4. Children of non-Kuwaiti prisoners of war and martyrs. <li data-bbox="539 927 1267 992">5. Children of technical instructors and teachers working for the Ministry of Education. <li data-bbox="539 1014 1235 1079">6. Children of members of the teaching staff of the Public Authority for Applied Education and Training. <li data-bbox="539 1102 1206 1167">7. Children of members of the teaching staff of Kuwait University. <li data-bbox="539 1189 1251 1216">8. Children of sociologists working in government schools. <li data-bbox="539 1238 1225 1303">9. Children of members of the teaching staff of technical institutes attached to the Ministry of Higher Education. <li data-bbox="539 1326 1278 1391">10. Children of researchers working in the Kuwait Institute for Scientific Research. <li data-bbox="539 1413 1174 1478">11. Children of members of the teaching staff of Saad Al-Abdullah Academy for Security Sciences. <li data-bbox="539 1500 1070 1527">12. Children of the Yemeni Arab community. <li data-bbox="539 1550 1219 1615">13. Children of members of the teaching staff of the Arab Open University. <li data-bbox="539 1637 1230 1702">14. Children of science lecturers and librarians working in government schools. <li data-bbox="539 1724 1278 1751">15. Children of persons working for the Ministry of Education. <li data-bbox="539 1774 1238 1839">16. Children of persons working for the Ministry of Higher Education. <li data-bbox="539 1861 1278 1926">17. Children of illegal residents serving in, or retired from, the army and the police.

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-202	Accepted
157-203	Accepted
157-204	Accepted
157-205	Accepted
157-206	Accepted
157-207	Accepted
157-208	Accepted
157-209	Accepted
157-210	Accepted
157-211	Accepted
157-212	Accepted
157-213	Accepted
157-214	Accepted
157-215	Accepted
157-216	Accepted
157-217	Accepted
157-218	Accepted
157-219	Accepted
157-220	Accepted
157-221	Partially supported The first part (“continue to further regulate the work of domestic workers”) is accepted since the Ministry of the Interior is currently discussing a bill of law on domestic labour which makes provision for the stricter regulation of the employment of such workers. The second part (“improve the situation of refugees and asylum seekers”) is rejected since there are no refugees in the State of Kuwait, which has not acceded to the Refugee Convention and, moreover, is making voluntary annual contributions to the Office of the High Commissioner for Refugees.
157-222	Accepted It should be noted that there are no migrant workers in the State of Kuwait, which is hosting only temporary contractual workers whose employment terminates on the expiration of their contracts. With regard to expansion of the scope of the Labour Law to cover domestic workers, the work that the latter perform is of a special nature different from the nature of work in the

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
	private sector. A bill of law is currently being drafted to regulate the rights of domestic workers in the same way as the Private Sector Labour Law.
157-223	Accepted See recommendation 157-222.
157-224	Accepted See recommendation 157-222
157-225	Accepted See recommendation 157-222
157-226	Accepted See recommendation 157-222
157-227	Accepted See recommendation 157-222
157-228	Accepted See recommendation 157-222
157-229	Note taken
157-230	Accepted See recommendation 157-222
157-231	Accepted See recommendation 157-222
157-232	Accepted See recommendation 157-222
157-233	Accepted
157-234	Accepted
157-235	Accepted See recommendation 157-222
157-236	Note taken It is noteworthy that persons in breach of the residence regulations are subject to the Residence of Foreigners Act No. 17/1959.
157-237	Accepted See recommendation 157-222
157-238	Note taken

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
157-239	Accepted See recommendation 157-222
157-240	Rejected See recommendation 5-30
157-241	Rejected See recommendation 5-30
157-242	Rejected See recommendation 5-30
157-243	Rejected See recommendation 5-30
157-244	Rejected See recommendation 5-30
157-245	Rejected Involving sovereign matters
157-246	Rejected See recommendation 5-30
157-247	Rejected See recommendation 5-30
157-248	Rejected See recommendation 5-30
157-249	Rejected See recommendation 5-30
157-250	Rejected See recommendation 5-30
157-251	Rejected See recommendation 5-30
157-252	Rejected Involving sovereign matters
157-253	Rejected See recommendation 5-30
157-254	Rejected

<i>Recommendation</i>	<i>Position of the State of Kuwait thereon</i>
	See recommendation 5-30
157-255	Accepted
157-256	Accepted
157-257	Accepted
157-258	Accepted
157-259	Accepted
157-260	Accepted
157-261	Accepted
157-262	Accepted
157-263	Accepted
157-264	Accepted
157-265	Accepted
157-266	Accepted
157-267	Accepted
157-268	Accepted
157-269	Accepted
157-270	Accepted
157-271	Accepted
157-272	Accepted
157-273	Accepted
157-274	Accepted
157-275	Accepted
157-276	Accepted
157-277	Accepted
157-278	Accepted
