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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Kuwait

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I. Introduction

1. Following the submission of its second national report to the Human Rights Council in January 2015, Kuwait fully accepted 178 recommendations, partially accepted 4 and took note of 25. It rejected recommendations that were not in line with its system of values or that required the establishment of specific prerequisites in its legislative, political and social structure.

II. Methodology for following-up on the review and process for preparing the report

A. Methodology for following-up on the review

2. Since the adoption of its second report, Kuwait has been working to implement the outcome of the review. The standing committee for preparing and drafting the reports of Kuwait to international human rights bodies, which brings together representatives from the relevant government agencies, followed up on the implementation of the recommendations, to which end it organized a workshop in March 2017 with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

B. Process for preparing the report

3. In drafting the present report, the standing committee for preparing and drafting the reports of Kuwait to international human rights bodies went through a consultative process that involved non-governmental organizations (NGOs), the parliamentary human rights committee and the National Bureau for Human Rights.

III. Normative and institutional developments relating to the promotion and protection of human rights

A. National laws, legislation and regulations issued during the period of the review, recommendations 35, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 146, 147, 148, 149 and 150

- Act No. 67 of 2015 concerning the National Bureau for Human Rights;
- Act No. 12 of 2015 concerning the establishment of the family court;
- Act No. 21 of 2015 concerning the rights of children;
- Act No. 111 of 2015 promulgating the Juvenile Code, as amended by Act No. 1 of 2017;
- Act No. 104 of 2015 concerning the establishment of a family support fund;
- Act No. 2 of 2016 concerning the establishment of the Anti-Corruption Authority;
- Act No. 18 of 2016 concerning social welfare for older persons;
- Act No. 32 of 2016 amending certain provisions of Private Sector Employment Act No. 6 of 2010, whereby more severe penalties may be imposed on employers who violate the law;
- Act No. 14 of 2019 concerning mental health.

B. National mechanisms for the promotion and protection of human rights

- National Bureau for Human Rights;

- Supreme National Committee for Child Protection;
- Anti-Corruption Authority;
- National standing committee for implementing the strategy to combat human trafficking and migrant smuggling;

C. Developments with regard to governmental human rights agencies

- The creation of a human rights department in the Ministry of Foreign Affairs;
- The creation of offices for the resolution of family conflicts within the family court;
- The creation of a family insurance fund department pursuant to Ministerial Decree No. 112 of 2015;
- The creation of an organizational structure for the Supreme Council for Family Affairs;
- The creation of an office for the protection of children's rights within the Ministry of Health;
- The creation of an office to follow up on matters concerning persons with disabilities within the Ministry of Health;
- The Council of Ministers issued Decree No. 614 of 2018 under which responsibility for matters concerning domestic workers was transferred from the Ministry of the Interior to the Public Authority for the Workforce, with effect from 31 March 2019. The aim was to place responsibility for contracted foreign workers in the hands of a single body.

D. Draft laws, legislation and regulations brought before the National Assembly, recommendations 143 and 144

- A bill on domestic violence;
- A bill regarding trade unions;
- A bill regarding charity work;
- A bill regarding voluntary work;
- A bill regarding compulsory kindergarten education;
- A bill amending certain articles of Rights of Persons with Disabilities Act No. 8 of 2010.

E. National policies and strategies, recommendations 189, 193, 194, 195, 196 and 197

4. Kuwait has put forward a body of national policies and strategies, which aim to promote and protect the enjoyment of human rights and fundamental freedoms and which are in line with the 2030 Sustainable Development Goals (see annex 1).

IV. The regional and international human rights obligations of Kuwait, recommendations 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85 and 86

A. Reports submitted by Kuwait under human rights conventions

5. The United Nations High Commissioner for Human Rights visited the State of Kuwait in February 2017. During the visit, he met with His Highness the Amir, may God

preserve and protect him, as well as with high ranking officials and representatives of civil society organizations, to discuss progress achieved in the field of human rights at both the national and the international levels.

6. The High Commissioner commended Kuwait for being among the States that fully and punctually meet their reporting obligations to the human rights treaty bodies. In fact, Kuwait is committed to cooperating with those mechanisms and benefiting from the expertise of members in order to achieve the desired progress.

7. Kuwait is eager to respect the periodic human rights reporting obligations that arise from its accession to international instruments. For that reason, it has established a standing committee for preparing and drafting reports to international human rights bodies. The committee, which is headed by the Ministry of Foreign Affairs and includes all relevant agencies, serves to ensure that the country's reports regarding the fulfilment of obligations under the human rights treaties are duly submitted, as the following paragraphs show.

8. In November 2018, Kuwait submitted its third periodic report under the International Covenant on Economic, Social and Cultural Rights and its combined third to sixth periodic reports under the Convention on the Rights of the Child.

9. The third periodic report of Kuwait under the International Covenant on Civil and Political Rights was examined in June 2016.

10. The third periodic report of Kuwait under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was examined in July 2016.

11. The combined twenty-first to twenty-fourth periodic reports of Kuwait under the International Convention on the Elimination of All Forms of Racial Discrimination was examined in August 2017.

12. The fifth periodic report of Kuwait under the Convention on the Elimination of All Forms of Discrimination against Women was examined in November 2017.

13. The initial report of Kuwait under the Convention on the Rights of Persons with Disabilities was examined in September 2019.

14. At the regional level, the initial report of Kuwait under the Arab Charter on Human Rights was examined in January 2017.

B. Kuwait and special procedures in the framework of the Human Rights Council

15. As part of the efforts Kuwait is making to cooperate with the special procedures of the Human Rights Council, it has welcomed the following mandate holders:

- The Special Rapporteur on trafficking in persons, especially women and children, in September 2016;
- The Working Group on the issue of discrimination against women in law and in practice, in December 2016;
- The Special Rapporteur on the rights of persons with disabilities, in November 2018.

16. In addition, Kuwait is in the process of coordinating dates for visits by the Special Rapporteur on the right to housing, the Special Rapporteur on contemporary forms of slavery and the Working Group on the issue of human rights and transnational corporations and other business enterprises.

V. Follow-up action on recommendations accepted in the second cycle of the universal periodic review (2015)

A. Recommendations concerning the Sustainable Development Goals, empowerment of women, non-discrimination against women and equality between the sexes: 89, 91, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 189, 190, 192, 193, 194, 195, 197, 198, 260, 261, 263 and 264

(i) Implementing the United Nations Sustainable Development Goals and harmonizing them with the national development plan

17. Like other States, Kuwait was eager to achieve the Millennium Development Goals, which it worked to implement at the national level while also participating in related activities at the regional and international levels. Currently, Kuwait is showing the same dedication to international and regional efforts to achieve the 17 Sustainable Development Goals, under the auspices of the United Nations. The Goals have three dimensions – economic, social and infrastructural – and aim to create a better future for the world by 2030.

18. In view of the fact that the 17 Sustainable Development Goals have specific development priorities, the efforts being made to achieve them are integrated, interdependent and indivisible. To that end, Kuwait is cooperating with all relevant stakeholders from government, NGOs, the private sector, civil society and others. It hopes to align and adapt the seven pillars of the “Kuwait Vision 2035”, which have been incorporated into national development plans, to the five core aspects of the 2030 Sustainable Development Goals: peoples, prosperity, planet, peace and partnership.

19. The Sustainable Development Goals have been harmonized with the medium-term development plan of Kuwait for the years 2015/16–2019/20 (see annex 2 on the extent of harmonization between the 2030 Sustainable Development Goals and the seven pillars of the development plans for Kuwait 2035).

20. During the High-Level Political Forum on Sustainable Development held at United Nations Headquarters in New York in July 2019, Kuwait presented its initial voluntary national report on progress made towards implementing the 2030 Sustainable Development Goals and the extent to which the State’s national plan for 2035 had been adapted to those Goals.

(ii) Empowerment of women

21. Women in Kuwait receive the attention and care they need to support their role in society and the family as well as protection for their social, economic and political rights. The State has acted to create appropriate conditions and legislative and institutional mechanisms for women to obtain their rights and play their role in the development of society on an equal footing with men. For example, several pieces of national legislation have been enacted to safeguard the rights of working women. These include the Private Sector Employment Act No. 6 of 2010, article 1 (3) of which defines the worker as “any male or female who performs a manual or intellectual task on behalf and under the supervision of an employer in return for a wage”. The Act dedicates an entire section to the employment of women, including provisions to promote their empowerment. Article 26 of the Act states: “A female worker shall be entitled to the same remuneration as a male worker for undertaking the same work.” Thus, men and women are equal in that they receive equal pay for equal work, without distinction. These provisions reflect the fulfilment by Kuwait of the obligations arising from its ratification of the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

22. Women in Kuwait enjoy full access to health services, which are provided free of charge, particularly primary health-care services. Those services have contributed directly

to the achievement by Kuwait of the Goal 3 of the 2030 Sustainable Development Goals: “Ensure healthy lives and promote well-being for all at all ages”.

23. In line with constitutional provisions regarding housing welfare for Kuwaiti women and families, Act No. 2 of 2011 was promulgated to ensure that divorcées, widows and unmarried women are given appropriate accommodation. Moreover, a law has been enacted establishing a housing fund to support certain groups of women, including divorcées, widows, unmarried women and women married to non-Kuwaitis. The fund sets easy terms for women to obtain their housing rights so that no Kuwaiti woman is denied the right to a home, regardless of her domestic or social situation or age.

24. A qualitative evolution in the benefits system has been achieved by supporting the capacity of Kuwaiti women and their families to improve their level of income. The Ministry of Social Affairs has begun to apply a new philosophy in respect of service provision, involving the adoption of human capacity-building programmes designed to transform groups in receipt of benefit – particularly women – into productive groups.

25. The Government has involved all development partners – government sector, private sector and civil society organizations – in its medium-term development plan for the years 2015/16–2019/20. The plan, which was promulgated under Act No. 11 of 2015, includes the following goals and policies for the welfare and empowerment of Kuwaiti women.

Supporting and developing the capabilities of Kuwaiti women

26. Review and update legislation relating to Kuwaiti women’s issues in order to remove all forms of discrimination against women, without compromising the principles of Islamic sharia.

27. Promote social, economic and occupational capacity-building programmes for women to ensure their domestic and psychological stability, implement training programmes to improve women’s capabilities and foster their participation in public life, provide services for working women and encourage and support small-scale enterprises run by women.

28. Set up an institutional mechanism to protect women from all forms of social and domestic violence by creating, in collaboration with the relevant government agencies, a national centre to combat domestic violence and to protect and support women.

Supporting the social empowerment of Kuwaiti women

29. Empower Kuwaiti women and widen the scope of their participation in society by promoting their role in decision-making positions in the economic, social and political sphere.

30. The secretariat of the Supreme Council for Planning and Development, the United Nations Development Programme (UNDP) and the Women’s Research and Studies Centre at the University of Kuwait each play a role in the women’s empowerment project. They are building the capacity of 60 Kuwaiti women in the political sphere, imbuing them with the skills necessary to lead, manage election campaigns and speak in public. At the economic level, 25 chief executive officers of commercial companies have signed the so-called “Women’s Empowerment Principles” on the United Nations website. Follow-up takes place to determine the extent to which each company has implemented the programme. In addition, field studies are being carried out with a view to identifying the challenges facing women entrepreneurs seeking to set up small businesses.

31. Government agencies cooperate with civil society organizations to raise awareness about ways to protect women from violence. Anti-violence strategies are being developed with the creation of a database that will be used as the basis for a national strategy to eradicate violence against women in Kuwait altogether. A study on violence has been conducted covering 2,000 families, the first of its kind in the area of the Cooperation Council for the Arab States of the Gulf, and work is ongoing to gather comprehensive data about the implementation of the Sustainable Development Goals at the national level, particularly Goal 5.

32. Thanks to the significant steps the State has taken to empower women in public sector employment – such as the army, the judiciary and the diplomatic service – women have become more involved, particularly in the army and the judiciary, and increasing numbers of women are being integrated into those two sectors.

(iii) Non-discrimination against women and gender equality

33. Kuwait considers equality between the sexes, the empowerment of women and the elimination of all forms of violence against them as pivotal aspects of its national development policies and one of the main areas for human and societal development in the medium-term development plan. The plan aims to overcome problems associated with achieving equality and fairness between the sexes, close the economic, social, educational and political gender gap and promote women's role in the family and in society.

34. The Constitution of Kuwait guarantees women's social, economic and political rights. The text envisages and upholds complete equality between the sexes, without discrimination, in articles 6, 7, 29, 30, 35, 36, 37, 40, 41, 43, 44, 45 and 80, which promote the dignity, rights and duties of women. In order to ensure the practical application of these constitutional provisions, a number of laws enshrining equality and non-discrimination have been enacted.

35. The Kuwaiti national development plan 2015–2020 includes goals to eradicate discrimination against women. In that connection, UNDP and the UN-Women regional bureau in the Arab States have worked with local partners on a project to achieve Goal 5 of the Sustainable Development Goals, which is being implemented by the Supreme Council for Planning and Development and the Women's Research and Studies Centre at the University of Kuwait. The project aims at long-term transformational changes that will enable Kuwait to achieve an ambitious women's empowerment agenda as part of the Sustainable Development Goals. The project will focus on three main areas:

- (a) Promoting the participation of women in public and political life;
- (b) Supporting women's participation in all sectors by raising awareness about the implementation of affirmative policies for both sexes;
- (c) Compiling data to be used as the foundation for a detailed and comprehensive national plan to address violence against women.

B. Recommendations concerning the dissemination of a culture of human rights, capacity-building, freedom of opinion and expression, rule of law, the creation of public welfare associations and the fight against human trafficking: 38, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 78, 88, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 173, 174, 175, 177, 179, 180, 181, 182 and 183

(i) Disseminating a culture of human rights

36. Kuwait has continued its efforts to disseminate a human rights culture via a training and educational programme that has been carried forward by various State ministries in partnership with OHCHR, relevant international organizations and Kuwaiti NGOs. Kuwait believes that a culture of human rights helps to protect such rights and to promote political, social, economic and cultural stability. Moreover, the Ministry of Foreign Affairs, as part of its own development plan, has rolled out a project to run seminars and workshops with OHCHR in the period 2015–2020 focusing on the human rights obligations of Kuwait. These include:

- A seminar on a model national Kuwaiti bureau for human rights;
- A seminar on the Child Rights Act in Kuwait;
- A seminar on the implementation by Kuwait of the Sustainable Development Goals from a human rights perspective;

- A seminar on the development of women's rights in Kuwait;
- A seminar on the social responsibility of the Kuwaiti private sector to support human rights;
- A workshop on the national plan to implement recommendations made by international human rights mechanisms

37. For some years now, the Ministry of the Interior has been at pains to ensure that its annual general training plan includes courses on human rights culture for members of the police and security services. To that end, it has held training courses set by highly qualified experts and imparted by skilled and competent trainers (see annex 3 for the various human rights training courses organized by the Ministry of the Interior).

38. It should be pointed out that police officers do not receive training only inside Kuwait, be it at academies and other centres belonging to the Ministry of the Interior or elsewhere. They are also sent overseas to participate in courses on the protection of human rights.

39. As regards the right to work, the Public Authority for the Workforce is cooperating with international organizations to develop an integrated programme that includes training courses for labour inspectors. In addition, between 2015 and 2017, training activities were conducted as part of a project to build the capacity of the Public Authority for the Workforce itself, with the help of three international organizations: UNDP, the International Organization for Migration (IOM) and ILO. The project included courses on international labour standards for representatives from government, employers and workers.

40. The training and administrative development sector has organized courses to improve labour inspectors' expertise in identifying violations. The courses included a seminar on industrial safety, a workshop to raise awareness among employers and workers about their rights and duties, and a training course on workplace accidents and injuries. In addition, courses and workshops have been conducted in shelters, also in coordination with international organizations such as ILO and IOM.

(ii) Freedom of opinion and expression

41. Kuwait is particularly concerned to guarantee freedom of opinion and expression, which are a fundamental element of democratic societies. To that end, it promotes and strengthens the legal framework regulating those rights while promoting and protecting human rights in general. Articles 36, 37, 44 and 45 of the Constitution of Kuwait include guarantees for freedom of expression, opinion and scientific research; freedom of the press, printing and publishing; freedom of peaceful assembly; and freedom to appeal to the public authorities. These provisions are consistent with articles 19, 20 and 27 of the Universal Declaration of Human Rights and with the provisions of articles 19 and 21 of the International Covenant on Civil and Political Rights.

42. People in Kuwait benefit from a democratic climate in which they can exercise their freedom to express their opinions through all available channels. These include traditional channels such as councils, diwans and other forums; newspapers, magazines and television; and the Internet and modern social media. Thus, everyone can make their views known and participate in the exchange of ideas and opinions.

43. Efforts are ongoing to strengthen the legal framework that regulates and protects those rights and to review any restraints that might limit freedom to exercise them. As part of this, Act No. 109 of 2014 was issued under which individuals have the right to appeal directly to the Constitutional Court to challenge the constitutionality of any law or regulation that might conflict with constitutional principles or guarantees. The Court has the right to overturn such laws or regulations and render them null and void. Clearly, this has an effect on the promotion and protection of freedom of opinion and expression.

44. In line with the foregoing, Printing and Publications Act No. 3 of 2006 and Audiovisual Media Act No. 61 of 2007 prohibit any form of prior censorship on the press or media. They also facilitate procedures for press and media outlets and include provision for attenuated penalties that are consistent with the nature of the profession. Electronic

Media Act No. 8 of 2016 serves to broaden protection for traditional media when they are delivered via the Internet or modern social media channels.

45. In order to bring the legal status of journalists in traditional and electronic media closer to that of persons practising the profession of journalism in the field of communications technology, the Cybercrime Act No. 63 of 2015 was issued as a general piece of overarching criminal legislation regulating that area, whereas previously the legislative treatment of such offences had been regulated by ordinary law. The 2015 Act introduces a shorter statute of limitations for prosecuting such offences than that which exists in ordinary law, taking account of the specific nature of cybercrimes yet without overlooking the seriousness of any attacks against the dignity, honour, possessions or wealth of individuals. This required the development of special provisions to criminalize invasion of privacy, extortion, electronic forgery and deliberate disruption of the free flow of information, as well as to combat money-laundering and human trafficking when perpetrated using information technology.

(iii) Rule of law

46. Kuwait respects the rule of law at both the national and international levels. In fact, the principle of rule of law is not only fundamental for the preservation of human rights, equality, responsibility before the law and justice in the application of law by an independent judiciary, but is also consistent with international human rights standards.

47. As regards the right of recourse to justice, legislators have been at pains to ensure that everyone – citizens and residents – are free to access the courts. In fact, the right and freedom to take legal action are among the legal and social guarantees enshrined in the Constitution, article 166 of which states: “People are guaranteed the right to have recourse to law. The law itself shall determine the procedures and conditions required for the exercise of that right.” The judiciary in Kuwait is fully impartial, neutral and independent.

48. Another indication of the exalted status of the rule of law in Kuwait is the principle of the separation of powers, which is also enshrined in the Constitution. In fact, Kuwaiti legislators have been careful to distinguish between the distinct powers of the legislature, the executive and the judiciary.

49. Kuwaiti lawmakers believe that all persons have the right to take legal action and, in particular, to lodge an appeal before the Constitutional Court in respect of any law, decree-law or regulation that might violate the provisions of the Constitution. Accordingly, Act No. 109 of 2014 amending certain provisions of Act No. 14 of 1973, by which the Constitutional Court was established, grants any natural or legal person the right to lodge an appeal directly with the Constitutional Court in an original proceeding. The amendment allows individuals to protest against any law they consider to be in violation of the Constitution, and the Constitutional Court is under an obligation to hear the case.

50. As part of its efforts train and qualify members of the judiciary – judges and prosecutors – the Kuwait Institute for Judicial and Legal Studies has cooperated with OHCHR to develop training courses on human rights. The purpose of the courses is to improve knowledge about international human rights and to disseminate human rights values and principles, in particular among the judiciary, which has the task of applying and implementing human rights law at the national level. The courses, which are held over three stages under the direct supervision of OHCHR, are the first step in an integrated project that eventually aims to integrate a module on international human rights into the Institute’s curriculum whereby judges will be trained in international human rights law and international human rights protection mechanisms. Seven members of the judiciary graduated from the first course as human rights trainers and will be used to train others at the Institute (see annex 4).

(iv) Creation of public welfare associations

51. Kuwait firmly believes in the importance of the role played by civil society institutions, and 47 new associations have come into being since 2015. With them, the total numbers now stand at 142 public welfare associations, 75 cooperative associations and 45

charitable associations. In addition, 185 voluntary teams were created in the space of a single year.

52. The Ministry of Social Affairs provides support to public welfare associations to enable them to attend conferences abroad: nine conferences in total between 2018 and 2019 at a cost of 18,068 Kuwaiti dinars (KD). In addition, joint activities with public welfare associations take place as the State is convinced that such associations have an important role to play in raising awareness about social issues.

53. In order to promote community participation, representatives from these associations are chosen to be members of relevant State institutions, such as:

- The National Bureau for Human Rights;
- The Supreme Council for Family Affairs;
- The governing board of the Public Authority for Persons with Disabilities;
- The Supreme National Committee for Child Protection.

(v) Combating human trafficking

54. The Council of Ministers has delegated the Minister of Justice to form and head a committee, with members drawn from other relevant bodies, to develop a national strategy to combat human trafficking and migrant smuggling.

55. The committee has developed a strategy covering three fundamental areas:

- (a) Prevention;
- (b) Protection;
- (c) Building partnerships and cooperation, internally, regionally and internationally.

56. Under Decree No. 261 of the Council of Ministers, issued at its meeting No. 6/2018 held on 5 February 2018, the Council adopted the national strategy to combat human trafficking and migrant smuggling. In implementation of that strategy, the Ministry of Justice issued Decree No. 2062 of 2018, which envisaged the establishment of a national committee to combat human trafficking and migrant smuggling. The committee, which includes members from relevant bodies, supplements existing national efforts to combat human trafficking, as set forth in Act No. 91 of 2013. That Act includes provision for severe deterrent penalties applicable to anyone found guilty of trafficking human beings or smuggling migrants into Kuwait. It also envisages harsh penalties for anyone who, aware of the existence of a plan to commit an offence related to human trafficking or migrant smuggling, fails to notify the authorities.

57. Article 12 of the aforementioned Act states: “The Office of the Public Prosecutor or the competent court, when considering the offences set forth in articles 2 and 3, may take either of the following two measures, as appropriate:

- (a) Referral of victims of human trafficking or migrant smuggling to the medical authorities or to social care homes where they can receive the requisite treatment and care;
- (b) Placement of victims in a shelter designated by the State for the purpose until such time as they can be repatriated to the country of their nationality or returned to the country in which they resided when the offence was committed.”

58. Given below are the measures taken by the Ministry of the Interior towards victims of human trafficking (see annex 5 for information about the number of human trafficking offences in the period 2015–2019):

- (a) Victims are interviewed and informed of their rights;
- (b) Information is passed to the contact points designated by the Ministry of the Interior (Department for the Protection of Public Morals and Combating Human Trafficking);

- (c) Victims are referred to shelters or health-care centres (migrant workers' shelter);
- (d) There is coordination with the Office of the Public Prosecutor for the issuance of decrees to protect the victims;
- (e) Immediate and long-term services such as reintegration and voluntary return are made available.

C. Recommendations concerning the rights of children, the rights of persons with disabilities, care for older persons, the right to education and contract workers: 148, 200, 202, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 233, 234, 235, 237 and 239

(i) Rights of children

59. Act No. 21 of 2015 concerning the rights of children is consistent with the obligations of Kuwait arising from its accession to the Convention on the Rights of the Child. The Act, which was drafted with the help of NGOs, guarantees children the right to live and develop in compact and united families as well as the right to health care, education and protection from all forms of violence and harm and from physical, mental or sexual abuse. These provisions are set forth in article 71 of the Act, which deals with physical, mental and sexual abuse and neglect. For its part, article 77 includes provision for the establishment of child protection centres, which receive and act on complaints and undertake case studies on children who have been subjected to abuse.

60. Family Court Act No. 12 of 2015 includes provision for the protection of children, particularly in cases where the parents have separated. It also enshrines their right to receive care and maintenance, and to obtain official documents.

61. The Supreme National Committee for Child Protection, which is part of the Ministry of Health, brings together a number of State agencies and NGOs. Its purpose is to develop programmes on issues affecting children then seek support for those programmes by raising awareness and disseminating a culture of children's rights on the widest possible scale and monitoring and addressing the violations that children may face, not only by punishing abusers but also through treatment and prevention programmes. These activities are part of a global plan to promote the role of the health-care system in tackling violence, particularly against women, girls and children (see annex 6 for details about the activities of the Supreme National Committee for Child Protection).

62. Until now, efforts in Kuwait have focused on raising national awareness about the ill-treatment of children, making calls for children's rights to be respected and educating society and children themselves about those rights, as enshrined in the Convention on the Rights of the Child. This has been achieved through media campaigns, publications and other activities.

63. The Supreme National Committee has set up a child protection bureau inside the Ministry of Health, with responsibility for implementing its plans and programmes. The bureau created the Kuwaiti child helpline 147, which provides consultancy and referral services for children from birth to the age of 18 and for their carers. The helpline seeks to provide direct protection for all children's rights and to deal with any problem that may arise so as to ensure that the safety and best interests of the child are upheld in all measures taken (see annex 7 for statistics about the number of cases of child abuse and neglect between 2010–2018).

64. The hotline accepts calls from all areas of Kuwait and from any kind of telephone, and the calls are answered directly one after another. A verification is made to ensure that the call does, in fact, come from a child under the age of 18. If it turns out that the caller is over 18, the call is passed on to other telephone counselling services or bodies that provide services for adults. Calls are classified and recorded in a database and, in the case of a bona fide call, the relative form is filled out and registered in the database while the call is taking

place. Also during the course of the conversation, the level of gravity of the situation is assessed and the situation dealt with according to its seriousness (ordinary, medium or high priority). The hotline is open 24 hours a day all week long with referral mechanisms and a specialist team on hand ready to receive calls and reports and to provide advice and support.

65. Family Care Act No. 80 of 2015 regulates the treatment of children of unknown parents, their integration into society and their rights, such as the right to a family, education, housing, employment and a monthly allowance. In addition, they are entitled to Kuwaiti nationality under article 3 of Nationality Act No. 15 of 1959.

(ii) Rights of persons with disabilities

66. Kuwait is active in the area of the rights of persons with disabilities. According to the 2018 statistical bulletin, the total number of such persons registered with the Public Authority for Persons with Disabilities is 52,205: 45,436 Kuwaitis and 6,769 non-Kuwaitis. In implementation of Act No. 8 of 2010, as amended by Act No. 101 of 2015 and Act No. 5 of 2016, the Public Authority provides the following:

- *Early intervention services:* Children with disabilities receive training from the moment the disability is discovered, between birth and the age of 4 for Kuwaiti children and up to the age of 6 for non-Kuwaiti children;
- *Educational support:* A total of 8,666 pupils with disabilities have benefited from this support in 61 establishments approved by the Public Authority for Persons with Disabilities. In the financial year 2018/19, the educational support budget stood at KD 36,133,740. Moreover, 50 places on overseas scholarships are allocated each year and, as of the middle of this year, 96 students have benefited and are still overseas. Twenty-two students have been accepted for the year 2018/19;
- *Centres and institutions for habilitation:* These centres receive persons with disabilities aged 21 and over and provide habilitative programmes to help them achieve self-reliance;
- *Vocational habilitation:* The programme of vocational workshops for persons with mild or moderate mental disabilities or with dual disabilities offers carpentry, pottery, computing, art, psychodrama, music, gardening, home economics and scenography. Participants are provided with transportation. According to the 2018 statistical bulletin, 47 males and 32 females participated in the workshops;
- *Integration into employment:* There are 77 companies in Kuwait that employ 50 or more Kuwaiti workers. None of those companies fulfils the obligation to appoint the quota of persons with disabilities set forth on article 14 of Act No. 8 of 2010. The companies in question have been contacted and made aware of the requirement to abide by the law in that regard;
- *Family care:* The budget allocation for financial benefits for persons with disabilities stands at KD 171 million. In 2018, 2,845 persons were receiving a pension in order to care for a person with a disability;
- *Support to form a family:* Kuwaitis with disabilities receive a marriage grant of KD 6,000 from the Kuwait Credit Bank. Eighty-four applications for social loans were received in 2018;
- *Housing services:* Persons with disabilities and their families, if they fulfil the necessary requirements, receive housing welfare: KD 5,000 for persons with mild disabilities, KD 10,000 for persons with moderate or severe disabilities and KD 20,000 for families that have more than one member with a disability. That sum helps them to build a house according to their own requirements. In 2018, there were 497 applications for housing welfare;
- *Assistive devices:* Hearing aids and wheelchairs with special specifications are distributed while rehabilitative instruments and devices as well as private vehicles equipped to transport persons with disabilities are exempt from all taxes. A total of

511 wheelchairs have been delivered and all official documents regarding persons with visual disabilities have been printed in Braille;

- *Participation in decision-making:* Members of the governing board of the Public Authority include four representatives elected by public welfare associations as well as an expert on disability affairs. Periodic meetings are held with representatives of public welfare associations active in the field of disability in order to discuss how services can be developed. In addition, the managing director is supported by a team of counsellors made up of persons with disabilities, who are best qualified to understand which legislation and laws suit them best.

67. The Public Authority for Persons with Disabilities runs a number of projects and programmes:

- It has opened new offices to serve patients with disabilities, their guardians and carers in the governorates of Farwaniya, Jahra and Ahmadi in addition to its main office in the governorate of Hawalli. The purpose of the initiative is to facilitate bureaucratic proceedings for persons with disabilities;
- It is implementing a project to automate all procedures related to the services provided by the Public Authority and has activated online services whereby transactions can be monitored and their status checked; this incorporates a text messaging service;
- On 30 July 2018, it launched the “My Abilities” campaign under the slogan “My abilities distinguish me – what are your abilities?” to draw attention to the capabilities of persons with disabilities and their involvement in society;
- It has organized the “Partners in Employment” campaign to train and employ persons with disabilities between the ages of 18 and 33, with the participation of a variety of different bodies and institutions. In that connection, 30 persons with disabilities have been trained for employment in the banking sector;
- It is implementing the Kuwait Accessibility Code via a team made up of the Kuwait Municipality, the Ministry of Public Works, the Public Authority for Housing Welfare, the Fire Department, the secretariat of the Supreme Council for Planning and Development, the Kuwait Society of Engineers and the Kuwait Society for Guardians of Persons with Disabilities;
- It has developed a national framework on the availability of digital content and facilitated the access of persons with disabilities to the Internet and to all digital media.

68. The employment of persons with disabilities is regulated under article 14 of the Rights of Persons with Disabilities Act No. 8 of 2010, which states: “Government, private-sector and oil-industry institutions employing at least 50 Kuwaiti workers are required to employ professionally qualified persons with disabilities at a proportion that is no less than 4 per cent of their Kuwaiti workforce.” Thus, article 14 of the Act imposes an obligation on both governmental and non-governmental institutions to employ persons with disabilities, and the fact that none of those institutions may refuse that obligation guarantees the principle of equal opportunity between equally qualified persons irrespective of whether or not they have a disability. The State offers incentive programmes for employers who employ more than the fixed quota of persons with disabilities and the Government can provide material support to those who exceed this quota. The terms of support are announced by decree of the competent authority at the request of the institution concerned.

69. The Public Authority for Persons with Disabilities has coordinated with the Public Authority for the Workforce and all other stakeholders to ensure that persons with disabilities are aware of the employment options available to them in the private sector and to encourage them to enter the job market. They also take measures with regard to companies that are not complying with the quota defined by law.

(iii) Care for older persons

70. Older persons are seen as a national treasure and enjoy an elevated social status that is enshrined in the Constitution, article 11 of which reads: “The State shall guarantee support for citizens who are elderly, infirm or unable to work and shall provide them with social insurance services, social assistance and medical care.”

71. Article 1 of Act No. 18 of 2016 concerning social welfare for older persons defines an older person as “any Kuwaiti citizen over the age of 65”. An older person who is destitute is defined in the Act as being “any older person who is fully or partially unable to procure the ordinary personal necessities of everyday life as a result of a financial, physical, mental or psychological incapacity”.

72. Kuwait has focused efforts on regulating health, psychological and social care, which it considers to be the most important areas for the welfare of older persons. This has led to an improvement in prevention and treatment methods in Kuwaiti society and to an increase in birth rates and a fall in death rates. As a consequence, average age has increased and the number of older persons has gone up. Statistics from the Ministry of Health for 2014 point to a life expectancy at birth for Kuwaitis in Kuwaiti society of 76.8 for men and 81 for women, and that figure is increasing year on year, which also means that there are greater numbers of older persons (see annex 8 for a diagram illustrating the increase in numbers of older persons (65 and over), disaggregated by gender for the period 2014–2018).

73. The increase in the numbers of older persons is a testament to the continuing improvement of health and the betterment of quality of life, and it has meant a steady increase in the size in the target category for welfare services for older persons. This has led to higher welfare costs on the State and on individuals. In fact, the proportion of older persons in Kuwaiti society has increased from 3.6 per cent in 2014 to 4.1 per cent in 2018.

Regulating care for older persons

74. *Care in shelters:* This is comprehensive health, social, psychological and subsistence care, which is offered to older persons who have no family of their own or whose family is unable to care for them. Such persons are provided with full board in a care home.

75. *Day care:* Under this arrangement, the older person spends the day in a care home then returns to his or her relatives at the end of the day. It is a way of avoiding isolation from the community at large.

76. *Mobile care services:* This is the most common form of services for older persons and is available to all applicants who suffer from health, psychological or social problems and for whom transportation to a primary health-care facility is difficult.

(iv) Right to education

77. Kuwait guarantees the right to education for all persons, without discrimination, under article 13 of its Constitution, which reads: “Education is a cornerstone of progress in society and is guaranteed and protected by the State.” Compulsory education is regulated by Compulsory Education Act No. 11 of 1965, as amended by Act No. 25 of 2014, under which the State imposes an obligation on guardians to ensure that children attend obligatory schooling. Guardians who fail to fulfil their obligation in that regard are liable to face penalties. In most cases, this means that children are able to enjoy their right to education.

78. The State guarantees all students the right to accede to university education. The system of post-secondary education enables students to move on to higher education in accordance with their own inclinations, needs and capacities, and with the needs of the national labour market. This process is regulated by general rules that guarantee equality of opportunity and are based upon objective criteria such as the abilities of the university candidates, their individual skills, rates of admission and the absorption capacity of colleges and institutes.

79. In addition, the State provides persons who did not go to university with the opportunity to pursue academic or vocational courses at colleges or institutes run by the

Public Authority for Applied Education. The State has also provided other means for people to complete their schooling, through educational and cultural partnerships with the private sector. Alongside State-run education, several private universities have opened in Kuwait, providing educational opportunities in a variety of different subjects. Moreover, Kuwait recognizes the right to education of all persons residing in its territory and has permitted the establishment of numerous private schools for various foreign communities, should the members of those communities wish to attend them. The aim is to respect the great cultural variety of languages and customs among the foreign communities who reside in the country and to provide alternative educational opportunities for everyone.

80. In view of the fact that many individuals may, for economic reasons, be unable to enrol their children in private schooling, a charitable fund has been set up to support financially disadvantaged students, irrespective of their nationality.

81. Kuwait shows particular concern for persons with disabilities and has taken action to raise awareness about the importance of their education. It has set up special schools for them where they receive compulsory basic education free of charge, on an equal footing with others.

82. Special education schools, which have seen increasing numbers of students, are run following a progressive methodology based on the global trend of providing persons with disabilities with opportunities for educational advancement. This has come about not only through the curricula they follow but also at the level of the educational establishments, which have made a qualitative leap forward.

83. The gains made by persons with disabilities have not been limited to educational support but have also extended to all forms of health care. Students with motorial disabilities are offered physical therapy and access to specialized clinics, which provide medical support during the course of the school day. Furthermore, all schools have counselling centres. Skilled and trained staff are chosen to work in evening clubs, which focus on the psychological, social and rehabilitative issues affecting persons with disabilities. A student registration system is used and the information is fed into an interactive database, which helps to monitor the students and their progress.

84. As part of its efforts to eradicate illiteracy, the State has made efforts to reduce the number of illiterate persons by intensifying its creation of adult learning and literacy centres and by teaching illiterate students not only the principles of reading and writing but also some aspects of mathematics and the sciences. Students who so desire are then helped to gain middle and secondary school certificates. Evening classes are graded to follow the same stages that exist in the regular education system. As a result of these measures, the proportion of illiterate persons in Kuwait has dropped in recent years to around 2 per cent (see annex 9 for details about adult education centres and the number of students attending them).

(v) Contract workers

85. Kuwait attracts migrant workers, both for the private sector and for domestic work. There are around 3 million such workers in the country where they outnumber inhabitants, and their numbers are continually increasing. They come voluntarily in search of better employment opportunities, something they can do thanks to the guarantees the State offers, such as the rule of law, the absence of discrimination between citizens and foreign workers and policies and measures to protect against forced labour.

86. The Private Sector Employment Act No. 6 of 2010 aims to offer the maximum degree of protection to migrant workers, beginning with its definition of “worker” in article 1 and the requirement for work contracts to be drawn up in writing, as set forth in article 28.

87. The Private Sector Employment Act No. 6 of 2010 enjoins fair working conditions that protect the rights of foreign workers. Chapter four – entitled “Regime and conditions of work” – has four sections that cover articles 55 to 97 of the Act as a whole. The chapter includes a definition of workers’ wages, the time the wages have to be paid and other provisions to protect workers’ right to a wage.

88. The Act also defines daily working hours and establishes rules to regulate overtime. Working hours are set at 48 hours per week, or 8 hours per day, and workers may not be employed for more than 5 consecutive hours in a single day without a subsequent period of rest of not less than 1 hour. The Act also defines workers' holiday entitlements and wages and explains how to calculate their end-of-service indemnity. In addition, legislators have granted workers the right to a paid weekly holiday as well as to paid official holidays, sick leave and annual leave. Furthermore, workers can be granted study leave, leave to perform the hajj, leave in the case of the death of a close relative, *idda* leave for female workers whose husband dies and leave to attend periodic workers' conferences and meetings.

89. Occupational health and safety rules are laid down in articles 80 to 87 of chapter four of the Private Sector Employment Act No. 6 of 2010. In addition, decrees have been issued regarding the implementation of the Labour Code with the aim of protecting workers. They include:

- Decree No. 535 of 2015, which limits the number of hours that may be worked in exposed areas and prohibits work at noon;
- Decree No. 14 of 2017, which concerns the minimum wage.

90. The Code sets forth how workers must go about demanding their rights if there is a conflict between them and their employers. In addition, other decrees have been issued regarding the implementation of the Code and to protection of workers, such as Decree No. 14 of 2018 concerning the minimum wage and Decree No. 535 of 2015 limiting the number of hours that may be worked in exposed areas.

91. In order to give effect to the Code and its associated decrees, the Labour Inspection Department of the Public Authority for the Workforce undertakes periodic tours of inspection to places of work in order to ensure that employers are abiding by the law.

92. The Public Authority for the Workforce runs awareness-raising campaigns across all media outlets, including social media, with the aim of educating workers and employers about the law and the rights and duties of all parties. It also seeks to make them aware of the services offered by the Public Authority, particularly online services such as filing workers' complaints via the Public Authority website, and it accompanies the workers in all associated procedures.

93. In addition, the Public Authority for the Workforce prints information leaflets containing guidance for workers about the most important procedures they are required to follow and the bodies to which they can turn if they face any kind of problem during the course of their work. The leaflets have been distributed to the accredited missions in Kuwait of the countries of origin of migrant workers as well as to the diplomatic missions of Kuwait in those countries. The aim is to ensure that workers have prior information about the most important things they need to know, before leaving their own country.

(vi) Domestic workers

94. Domestic Workers Act No. 68 of 2015 includes detailed provisions concerning the relationship between workers and their employers. Kuwait is eager to increase protection and care for migrant workers and to regulate the dealings between all the parties involved in their contractual arrangements: workers themselves, employers and recruitment bureaux. To that end, the Department of Domestic Labour has been set up as part of the Public Authority for the Workforce. The Department was created pursuant to a decree of the Council of Ministers, which transferred the relevant responsibility from the Ministry of the Interior to the Public Authority for the Workforce, with effect from April 2019. The new Department has a number of responsibilities, the most important being the application of the law, inspecting recruitment bureaux, investigating violations and receiving complaints. The guarantees the Act offers to domestic workers have received praise from the Special Rapporteur on trafficking in persons, especially women and children.

95. There are 717,628 domestic workers in Kuwait. Since April 2019, the Department of Domestic Labour has received 2,087 complaints of which 256 have been referred to the courts while 1,232 were settled amicably. As of August 2019, there were 451 officially registered recruitment bureaux.

96. Domestic Workers Act No. 68 of 2015 was designed to protect domestic workers by placing their employers under numerous obligations, as illustrated by the following:

(a) Under articles 7 and 8 of the Act, employers are required to pay the agreed salary to domestic workers at the end of each month. The confirmation of transfer and the acknowledgement of receipt constitute proof of payment of the worker's salary, which is due with effect from the date of the worker's entry on duty. No deductions may be made from the salary under any circumstances;

(b) Under article 27, if an employer fails to pay a worker's salary on the date it is due, the worker is entitled to compensation amounting to KD 10 in respect of each month's delay;

(c) Under articles 9, 10 and 11, employers have an obligation to feed and clothe domestic workers, cover the workers' medical treatment and nursing expenses and provide them with decent accommodation. Employers do not have the right to assign domestic workers to perform any work that is hazardous or likely to prove detrimental to the worker's health or human dignity;

(d) Article 22 stipulates that the recruitment contracts drawn up by the Department of Domestic Labour must include the following labour rights:

- Specification of the maximum number of daily working hours, which must be no more than 12 in a single day, interspersed with an hour of rest;
- The domestic worker's entitlement to a paid weekly day of rest and to paid annual leave;
- The employer's obligation to pay the costs of medical treatment and compensation in respect of any occupational injury suffered by the domestic worker;
- A stipulation to the effect that the domestic worker's passport is a personal document that the worker has a right to keep; consequently, employers are not entitled to seize passports or to prevent workers from retaining them.

97. The Domestic Workers Act places employers and recruitment bureaux under an obligation to send a copy of the employment contract to the domestic worker. At the same time, the Ministry of Foreign Affairs is required to instruct Kuwaiti missions in workers' countries of origin that domestic workers seeking entry visas should be made familiar with the terms of their employment contracts before signing them. The purpose of this procedure is to ensure that domestic workers are fully aware of their rights, obligations and working conditions.

Mechanisms for receiving complaints

98. Under the terms of articles 31 and 35 of Act No. 68 of 2015, the settlement of disputes arising between parties to a domestic employment contract falls under the jurisdiction of the Department of Domestic Labour. If a settlement cannot be reached, the parties are referred to the competent civil court.

99. If a worker contacts the Department of Domestic Labour to file a complaint against his or her employer and the Department is unable to settle the matter, the domestic worker is entitled to appeal to the courts and take legal action against the employer. In fact, the right of all persons to take legal action is enshrined in article 166 of the Constitution, which states: "People are guaranteed the right to have recourse to law."

100. Domestic Workers Act No. 68 of 2015, its implementing regulations and Ministerial Decree No. 2302 of 2016 on the rules and procedures for implementing the Act are all consistent with international standards and with the ILO Domestic Workers Convention, 2011 (No. 189). They include the following provisions:

(a) A prohibition on the employment of children. In fact, it is forbidden to recruit domestic workers who are under 21 or over 60. Persons violating those provisions are liable to a term of imprisonment;

- Article 21 of the Domestic Workers Act reads: “It is forbidden to recruit or employ domestic workers of either sex who are under the age of 21 or over the age of 60. The competent minister may make exceptions to the age requirement.”
 - Article 29 of the same Act states: “Anyone who recruits a domestic worker under the age of 21 shall be liable to a term of imprisonment of up to 6 months and/or to a fine of up to KD 500.” In Kuwait, recruitment takes place through recruitment bureaux duly licensed by the competent authorities. Employers are required to draw up a contract guaranteeing the rights of the domestic worker. Working hours and overtime are regulated by law as are workers’ entitlements to treatment and care in State-run hospitals, decent and healthy accommodation and payment of their wages at agreed intervals. No part of their wages may be withheld and they are entitled to food and clothing at their employers’ expense. In addition, they are entitled to annual leave as well as to weekly leave, which they may spend wherever they wish.
- (b) The Domestic Workers Act and its implementing regulations include the following provisions to guarantee payment of workers’ wages;
- Article 19 of Domestic Workers Act No. 68 of 2015 states: “Wage means the basic wage that is paid to the domestic worker, as defined in the contract of employment between the two parties. It shall not be less than the minimum limit for wages established by decree of the Minister of the Interior.”
 - Article 20 of the Act states: “The employer shall pay the wage stipulated in the contract of employment at the end of each month.”
 - Under article 12 of the implementing regulations of the Act, “domestic workers shall receive the wage stipulated in the contract of employment at the end of each month. That wage shall not be less than the minimum limit for wages established by decree of the competent minister, in accordance with article 19.”
 - It should be noted that the wage received by a domestic worker does not include food, lodging, clothing, medical expenses or compensation for workplace injuries, all of which, under article 9 of Act No. 68 of 2015, are the responsibility of the employer.
 - Article 27 of Act No. 68 of 2015 penalizes employers who fail to pay a worker’s salary on the date it is due by requiring them to pay compensation amounting to KD 10 in respect of each month’s delay.
 - Moreover, under article 8 (4) of the implementing regulations contained in Ministerial Decree No. 2194 of 2016, employers may not deduct any amounts from the wage of a domestic worker.
- (c) The employer may not retain the passport of the domestic worker;
- Under article 12 of the Domestic Workers Act, employers are prohibited from retaining any papers or identity documents belonging to domestic workers, unless the latter give their consent.
 - Domestic workers have the right to appeal to the civil courts to demand the restitution of any official document that may have been withheld by an employer, and the courts can oblige the employer to release the documents. This matter is regulated by the Act under the following articles:
 - *Article 35*: “In the case of any unresolved dispute between them, parties to a contract may appeal to the civil courts for the Labour Tribunal to look into their case as a matter of urgency.”
 - *Article 36*: “All domestic labour disputes in which the plaintiff is the domestic worker him or herself are exempt from legal fees in courts of all levels.”

- *Article 37*: “The President of the Labour Tribunal shall promptly – within a month at most – designate a session for consideration of the disputes referred to the Tribunal. The court registry shall inform the parties of the date set for the session to examine their case, giving at least two weeks’ notice.”

(d) Employers are required to draw up and abide by a written recruitment contract in Arabic and English, as per article 18 of the Act, which reads:

- “It is forbidden for an employer to hire a domestic worker without a recruitment contract (bilateral or trilateral according to the circumstances) issued by the Department of Domestic Labour and written in both Arabic and English.”

(e) The Act requires employers to refrain from inflicting any form of physical or mental abuse against domestic workers or from assigning them to perform hazardous work. These provisions are contained in article 10 of the Act, which reads:

- “It is not permissible to assign domestic workers to perform any task that is hazardous or likely to prove detrimental to their health or human dignity. The Department of Domestic Labour has the jurisdiction to handle any claims arising from such actions.”
- All forms of forced labour are forbidden and domestic workers are entitled to submit complaints following the processes set forth in Ministerial Decree No. 2302 of 2016 regarding the rules and procedures for implementing Domestic Workers Act No. 68 of 2015. When a domestic worker submits a complaint against his or her employer to demand the fulfilment of some right, the matter is submitted for resolution to the Department of Domestic Labour. If a solution proves impossible, the complaint is referred to the competent court. Domestic workers are exempt from all legal fees and are provided with legal support and with a lawyer free of charge in order to help them obtain justice.
- In addition, domestic workers enjoy equality of rights with other workers under the Labour Code. In fact, the Code requires employers to pay an end-of-service indemnity to domestic workers upon the completion of their contract. According to article 23 of the Code, that indemnity is to be equivalent to one month’s salary for each year worked. Furthermore, under article 14 of the implementing regulations of Act No. 68 of 2015, employers are required to pay remuneration equivalent to half a day’s wages for each two hours overtime worked in a single day, while article 17 of the Act penalizes employers who fail to pay a worker’s salary on the date it is due by requiring them to pay compensation amounting to KD 10 in respect of each month’s delay. All this goes to show that domestic workers enjoy rights that surpass those of other private-sector workers. Moreover, employers who harass or ill-treat their female domestic workers are subject to the Criminal Code (Act No. 16 of 1960) which penalizes anyone who commits sexual or physical assault (see annex 10 for numbers of complaints from domestic workers).

VI. Enhancing the engagement of Kuwait with United Nations human rights bodies and mechanisms

A. Enhancing engagement for the promotion of human rights

101. Kuwait is committed to close cooperation with OHCHR, treaty bodies and special procedures, a commitment it pursues through programmes and projects to disseminate a culture of human rights and capacity-building.

102. Engagement with United Nations human rights bodies and mechanisms at the national level has not prevented Kuwait from itself extending a supporting hand to regional States facing difficult situations. In fact, the State allocates a part of its voluntary foreign

aid to specialized international organizations, which then direct it to provide support in areas of greatest need. For example, Kuwait backs the ILO programme on decent work and social justice in the occupied Palestinian territories with a view to improving living conditions for the Palestinian people.

103. Kuwait accepted a project to build the capacity of the Public Authority for the Workforce. The project – which ran from 2015 to 2017 and involved three international organizations: UNDP, IOM and ILO – included training courses on international labour standards and mechanisms to combat forced labour and human trafficking for representatives from government, employers and workers.

104. A memorandum of understanding has been signed with ILO regarding the first national decent work programme in Kuwait. The programme, which is due to last three years, will cover three main areas: enhancing the skills of foreign workers; improving the management of the foreign workforce; and promoting social dialogue and tripartite cooperation. The project is currently in the process of being launched.

B. Provision of voluntary aid in accordance with recommendations 84, 274, 275, 276, 277 and 278

105. The State of Kuwait is continuing to make annual voluntary contributions to a number of international humanitarian organizations, which play an important role in the relief of human suffering, the delivery of technical aid and the building of capacities (see annex 11 for the amounts of the voluntary contributions).

VII. Support given by Kuwait to humanitarian and development work, in accordance with recommendations 265, 266, 267, 268, 269, 270, 271, 272 and 273

A. Humanitarian policies of the State of Kuwait

106. The humanitarian policies of Kuwait – at both the national and international levels – derive from human and moral values that have been deeply rooted in the psyche of the Kuwaiti people since before the arrival of oil and wealth. This is demonstrated by a number of episodes in Kuwaiti history such as the fact that the first Kuwaiti charitable association was formed in 1913 to provide assistance to poor Kuwaitis of that period.

107. Kuwait has established firm rules to govern its foreign policy, the basic tenet of which is the prompt supply of aid to meet humanitarian crises of various kinds. It did this before independence via the Agency for the South and the Arab Gulf and after independence through the Kuwait Fund for Development. The aid is available to all countries without discrimination and is part of what is known as the humanitarian diplomacy of the State of Kuwait, which springs from its faith in international partnership and the importance of activating and uniting global efforts to maintain and preserve the quintessence of humankind, in keeping with Goal 17 of the Sustainable Development Goals. Thanks to these efforts, Kuwait ranks first in the world for aid with respect to gross national product (GNP).

108. In order to disseminate a philosophy of humanitarian work in Kuwait, the Council of Ministers has issued a decree announcing that – at the will of His Highness the Amir in his capacity as leader of humanitarian efforts – the subject of voluntary humanitarian work will be introduced as a basic educational module into the school curriculum. The new module will focus on educating the young from an early age to recognize the nature of voluntary humanitarian work and on imbuing them with the necessary values, skills and knowledge.

B. Changing the concept of humanitarian work in Kuwait

109. The concept of humanitarian work in Kuwait has undergone a tangible change over recent decades, as a result both of international developments and of variations in the nature and duration of humanitarian crises around the world. The State of Kuwait, its non-governmental humanitarian institutions and its individual donors have become convinced of the need to adopt a different approach when responding to humanitarian crises, one that reflects pressing and increasing needs and the importance of self-reliance. For this reason, the country's humanitarian focus has not been limited to relief but has extended into development issues.

110. Kuwait is working to disseminate a philosophy of sustainable, charitable and humanitarian work that has a permanent impact. Under this philosophy, charitable and humanitarian efforts are not focused on delivering temporary aid but on setting up development projects that yield lasting returns. Good qualitative choice is another important characteristic of this philosophy: it is important that such work should yield real and sustainable social, cultural and developmental benefits in the form of projects for individuals, families and local communities that help them to look after themselves.

111. As an expression of its solidarity with victims of humanitarian emergencies around the world, Kuwait has hosted three donor conferences on the provision of humanitarian support to displaced persons and refugees in Syria. It also participated in the fourth and fifth such conferences and provided US\$ 1.9 billion towards humanitarian relief efforts in Syria. In addition, US\$ 200 million have been donated to cover humanitarian requirements in Iraq, and Kuwait hosted an Iraq reconstruction conference at which it pledged US\$ 2 billion in the form of loans and investment. Moreover, the State of Kuwait has given US\$ 600 million to support humanitarian needs in Yemen and US\$ 15 million during its joint presidency of a pledging conference for Rohingya refugees. Kuwait is currently organizing an international conference on the rights of Palestinian children, and preparations are being made to hold an international conference in support of education in Somalia. All these efforts are consistent with the basic tenets of Kuwaiti foreign policy, which reflects the general principles enshrined in the Universal Declaration of Human Rights and the Sustainable Development Goals.

C. Role of the Kuwait Fund for Development

112. The humanitarian work that Kuwait does did not start with the creation of the Kuwait Fund for Development in 1961. It began, before the country became independent, with the Agency for the South and the Arab Gulf, which was set up in 1953 to support development projects in neighbouring countries. Following independence, the Kuwait Fund came into being to complete the work begun by the Agency for the South and the Arab Gulf, extending its activities to assist Arab States and other developing countries in their development plans to combat hunger, war and poverty and to raise citizens' standards of living.

113. As of the end of 2018, 106 States in Africa, Asia, Europe, Latin America and the Caribbean had benefited from the activities of the Kuwait Fund for Development, with a total value of aid in the form of soft loans standing at around US\$ 22 billion. That aid has been used to fund 970 projects in such vital sectors as transport and communication including roads, bridges, ports, airports, communication networks, sewerage systems, agriculture and irrigation, manufacturing, health care, education, energy and credit banks for small-scale farmers.

114. The Kuwait Fund provides soft loans, grants and technical assistance to Arab States and other developing countries. As of the end of 2018, it had made 80 such grants benefiting 45 States for a total value of around 7.3 billion.

115. On behalf of the State of Kuwait, the Kuwait Fund capitalizes a number of regional and international financial development institutions. As of the end of 2018, it had contributed around US\$ 1.2 billion to such institutions, whose services benefit a large number of developing States around the world. International development institutions

supported by the Kuwait Fund help to improve financial and social conditions in Arab States and other developing countries and bring improvements to the living conditions of persons in the countries concerned.

116. Despite the global financial crises of recent decades, the State of Kuwait has, via the Kuwait Fund, continued to allocate around 0.7 per cent of the country's GNP to development aid, in keeping with the pledge made by developed States in 1970 to allocate no less than 0.7 per cent of GNP to development. The recognition in 2014 of His Highness the Amir of Kuwait as a humanitarian leader is perhaps the best indication of how the world, through the United Nations, has appreciated the efforts and generosity of Kuwait and its continuing support for humanitarian work, which saves the lives and relieves the suffering of people in regions all across the world.

VIII. Best practices

A. Family courts

117. Given the confidential nature of personal status suits and the fact that they often revolve around family conflicts, Family Court Act No. 12 of 2015 envisages the following:

- (a) The creation of a family court in each governorate with a mandate to give prompt consideration to personal status cases;
- (b) The creation of child placement and visitation centres in each governorate;
- (c) The creation of a centre dependent upon the family court in each governorate, which works to settle family disputes and to protect family members from violence;
- (d) The creation, in the family court of each governorate, of a bureau for the enforcement of sentences;
- (e) The creation of a family insurance fund within the Ministry of Justice.

118. For its part, the Ministry of Justice has issued a number of decrees to support the work of the family courts. One of these was 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 mandates include the following:

- (a) Settling family disputes and providing advice and guidance to all parties involved;
- (b) Protecting family members from violence and abuse inflicted by another member and finding appropriate solutions;
- (c) Working to build trust and to provide support to parties who have suffered violence, particularly children;
- (d) Addressing the family break-ups that can ensue from domestic violence;
- (e) Enabling the parties concerned to visit the child so as to promote kinship and family ties;
- (f) Helping to develop activities and publish media materials to raise awareness concerning visitation.

119. Ministerial Decree No. 115 of 2016 includes provision to create and regulate centres for the settlement of family disputes and the protection of family members from violence. The centres, which exist in each governorate where they are dependent upon the family court, seek to settle family conflicts and to protect family members from violence and abuse inflicted by another member.

B. Submission of labour-related complaints online

120. Beginning in 2018, the Public Authority for the Workforce began offering electronic services for all categories of workers registered with the Authority. Using those services, workers can submit labour-related complaints online, follow the progress of those complaints and request information on reports of absenteeism made against them. The aim is to protect the rights of private-sector workers. The Public Authority for the Workforce also communicates with employers to verify that they are complying with laws, decrees and regulations on labour relations. In addition, the Authority provides online services whereby private-sector workers can obtain copies of documentation testifying to their employment status, file complaints regarding labour disputes or work-permit conflicts and follow the progress of those complaints. Employers can use the same online services to report absences. Thanks to these online services, both sides in the working relationship are informed via text message of all developments regarding disputes or absences. Between January and September 2019, a total of 14,062 online complaints were submitted.

C. Workers' shelter

121. A shelter for female migrant workers has been set up in order to consolidate and protect the rights of that category of worker. It takes in workers who are facing problems in the workplace and who wish to enter the shelter in order to obtain legal protection and benefit from the services on offer. The structure has a capacity for 500 workers.

122. The shelter accepts workers who submit a request to enter and who desire to alter their legal status. Workers are taken in and provided with legal protection and health services; they are also given help to change their legal status, either by transferring their residency permit to another party who wishes to take them on or by departing for their country of origin, if they so wish. In such a case, the employer is liable to pay the worker's travel costs.

123. The shelter undertakes to provide five meals a day to residents. It has high-standard living quarters as well as facilities for rest and leisure activities. The Public Authority for the Workforce seeks to provide high-quality services consistent with international standards for such structures. More than one government agency is involved in monitoring the facilities and in providing the services.

124. Government bodies and local and international NGOs as well as Human Rights Council mandate holders and members of accredited diplomatic missions in Kuwait visit the shelter on a regular basis in order to inspect the services on offer.

125. The success of the shelter for female migrant workers in providing protection and resolving problems has inspired the Public Authority for the Workforce to create a shelter for male workers.

IX. Challenges

126. The labour market in Kuwait attracts foreign contract workers from many different cultural backgrounds, who are drawn in very large numbers.

127. The biggest challenge facing the Kuwaiti labour market is the lack of knowledge among foreign workers about their own rights and duties, or even about the laws and customs of Kuwait, before their arrival.

128. Kuwait believes that most of the responsibility for workers' lack of awareness in this regard lies with the sending countries, which need to take steps to educate their citizens who are leaving to work abroad, before their departure. This can be achieved both through training courses and by the distribution of leaflets illustrating the rights and duties that workers have when they go to take up employment overseas.

129. Kuwait has taken practical steps to meet this challenge, notably by concluding a number of bilateral memorandums of understanding with workers' countries of origin with

a view to regulating the recruitment and work of the workforce. The State of Kuwait has also run awareness-raising campaigns for workers via social media and via the distribution of leaflets in various languages to persons entering the country at Kuwait Airport.

X. Voluntary pledges

- Domestic violence legislation;
- A comprehensive national human rights plan;
- Ongoing national efforts to achieve the 2030 Sustainable Development Goals, particularly those related to human rights.

XI. Conclusion

130. In presenting its third report under the universal periodic review, Kuwait reaffirms its ongoing commitment to the promotion and protection of human rights and fundamental freedoms, through domestic laws and legislation as well as through its international obligations. It continues to strive for comprehensive development in all its various aspects, including that of disseminating a culture of human rights. Kuwait welcomes the forthcoming third review cycle and looks positively on the elements emerging from the interactive dialogue that will help to promote and protect human rights in the State of Kuwait.
