



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

Distr.: General  
17 August 2015  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

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**Committee against Torture**

**Consideration of reports submitted by States  
parties under article 19 of the Convention  
pursuant to the optional reporting procedure**

**Third periodic reports of States parties due in 2015**

**Kuwait**\* \*\*

[Date received: 10 June 2015]

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\* The present document is being issued without formal editing.

\*\* The second periodic report of Kuwait is contained in document CAT/C/KWT/2; it was considered by the Committee at its 986th and 989th meetings, held on 11 and 12 May 2011 (CAT/C/SR.986 and 989). For its consideration, see the Committee's concluding observations (CAT/C/KWT/CO/2).

GE.15-13881 (EXT)



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## **Introduction**

1. The State of Kuwait wishes to emphasize that human rights issues are accorded high priority among its domestic and international concerns, in keeping with the precepts of Islam, which is the State religion, and the Islamic shariah, which constitutes a principal source of legislation and guarantees and safeguards human dignity and freedom. Human rights are also basic components of the Kuwaiti Constitution of 1962, an entire part of which is devoted to fundamental rights and freedoms in a manner consistent with the provisions of the relevant international declarations and treaties.

2. The State of Kuwait acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1996 and the provisions thereof were incorporated into its domestic law under the terms of Act No. 1 of 1996, promulgated on 15 January 1996. Kuwait's accession to the Convention is a clear indication of the extent of its commitment to human rights, the realization of which has become one of the noble goals of the civilized international humanitarian community.

3. Article 19 of the Convention provides that: "The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request...." In accordance with that article, the State of Kuwait is submitting its third report, which contains its reply to the list of issues prepared by the Committee against Torture (CAT/C/KWT/QPR/3).

## **Replies to the list of issues prepared by the Committee against Torture (CAT/C/KWT/QPR/3)**

### **Articles 1 and 4**

#### **Matters raised in paragraph 1 of the list of issues**

4. With a view to preventing unlawful restrictions on human freedom and combating torture and inhuman or degrading treatment, various articles of the Constitution firmly denounce torture and support the fight against it, including:

- Article 31: "No person may be arrested, detained, searched, compelled to reside in a specified place or have restrictions placed on his residence or freedom of movement, except in accordance with the law. No person shall be subjected to torture or degrading treatment."
- Article 32: "No crime or penalty may be established except under the law and no penalty may be imposed except for offences committed subsequent to the entry into force of the law providing for them."
- Article 33: "Punishment shall be personal."
- Article 34: "An accused person is innocent until proven guilty in a court of law guaranteeing him the safeguards for exercise of the right of defence. It is prohibited to subject an accused person to physical or mental harm."

5. Numerous criminal law provisions are in place to prohibit and criminalize the acts of murder, causing injury, battery, abuse and endangerment, including:

- (a) Articles 149-173 of the Criminal Code (Act No. 16 of 1960). For example:
- Article 70 provides that: “Where sentencing a public official for bribery or for torturing a suspect in order to extract a confession .... the judge shall order his suspension for the period specified in the judgement, which must be not less than one year and not more than five years.”
  - Article 159 provides that: “Anyone who strikes, wounds, causes bodily harm to or assaults another person in a tangible manner shall be liable to imprisonment for a term of up to two years and/or a fine of up to two thousand rupees.”
  - Articles 160 to 166 criminalize all acts that in any way undermine the physical integrity of the person.
- (b) Act No. 31 of 1970 amending articles of the Criminal Code (Act No. 16 of 1960) comprises provisions in this regard in articles 53 to 58, as follows:
- Article 53 provides that: “Any public official or employee who himself or by way of a third party tortures an accused person, a witness or an expert with a view to extracting a confession to a crime or statements or information thereon shall be liable to imprisonment.... The penalty shall be that prescribed for murder if the torture leads to death ...”
  - Article 56 provides that: “Any public official, employee or person performing a public service who abuses his position by subjecting persons to cruel treatment that is degrading to them or causes them physical pain shall be liable to imprisonment.”
  - It is worth noting that ministerial letter No. 423/2013, dated 17 July 2013, was addressed to the Secretary-General of the Council of Ministers proposing the amendment of provisions of the Criminal Code (Act No. 16 of 1960), in addition to Act No. 31 of 1970 amending provisions of the Criminal Code and the explanatory memorandum thereto.

## Article 2

### Matters raised in paragraphs 2 (a) and (b) of the list of issues

6. The State of Kuwait constantly strives to achieve greater protection for detainees and arrested persons and to provide safeguards for them, as manifested through:

(a) Article 75 of the Code of Criminal Procedure (Act No. 17/1960), which provides that: “The accused and the victim are entitled to attend all preliminary investigation proceedings and each has the right to be accompanied by his lawyer”

(b) Act No. 3 of 2013 amending provisions of the aforementioned Act No. 17 of 1960, which provides that police officers must permit an accused person to communicate with his lawyer or to inform a person of his choice about his detention.”

The law also provides that anyone who is arrested by the police or detained in custody must be informed of the reasons for his arrest or detention and may seek the assistance of a lawyer and meet privately with counsel at any time.”

### Matters raised in paragraph 2 (c) of the list of issues

7. In accordance with the Prisons Regulation Act No. 26 of 1962, prisoners must undergo a medical examination conducted in conformity with the following provisions:

- Article 72: “Every prison shall have an infirmary run by a doctor, who is responsible for taking the requisite measures to safeguard the health of prisoners and protect them from communicable diseases.”
- Article 73: “The doctor shall examine every prisoner on his admission to prison, make a note of his physical and mental health status in the register designated for that purpose and determine, on the basis of that status, the activities that he may perform.”
- Article 75: “The doctor shall assess prisoners once weekly and visit those held in solitary confinement on a daily basis in order to determine their state of health.”
- Article 76: “The doctor shall visit sick prisoners on a daily basis and may transfer any of them to hospital, as necessary.”
- Article 80: “If the prison doctor finds that a prisoner’s health has deteriorated to a critical level, he must write a detailed report on the prisoner’s condition and a medical committee of the Ministry of Health, including as one of its members the prison doctor, shall be formed to examine the prisoner. If the committee endorses the opinion of the prison doctor, it may decide to release the prisoner on grounds of health following the approval of the Minister of the Interior.”
- Article 82: “If the doctor is of the opinion that a prisoner’s illness has severely worsened, he must notify the Prisons Administration so that it may authorize unrestricted visiting hours for his family until his condition improves.”

8. In order to enhance care and follow-up, Ministerial Decision No. 229 of 2007 established the Police Health Affairs Department, the functions of which include the delivery of health care to prison inmates. In 2008, a number of prison hospital clinics were set up, specializing in such areas as cardiology, hepatology and gastroenterology, pulmonology, orthopaedics, dermatology, ophthalmology, otorhinolaryngology, internal medicine, general surgery, psychiatry, and gynaecology and obstetrics.

9. The State of Kuwait has organized various activities aimed at sensitizing and educating those working in this sphere, including, for example:

- The first-ever workshop to take place in the Arab Gulf region on health care in places of detention, which was held in Kuwait from 17 to 19 November 2014;
- The first conference on health care in places of detention in the States of the Cooperation Council for the Arab States of the Gulf, which was held in Kuwait from 24 to 26 November 2014.

10. At the time of its visit to Kuwait, the International Committee of the Red Cross (ICRC) affirmed that Kuwait was a leader in the delivery of health care to prisoners insofar as it had anticipated the recommendations of the World Health Organization in placing such health care under the supervision of the Ministry of Health rather than under that of the Ministry of the Interior.

11. ICRC also organized a seminar on health care in Kuwaiti prisons for officials from the Ministries of Health and the Interior, at which international standards of health care in places of detention were discussed, with ICRC commending the excellent response of the Kuwaiti officials attending the seminar.

12. The General Department for Correctional Institutions also invited ICRC to share its views in a general discussion of the plans of the Ministry of the Interior for the construction of a new prison complex in Kuwait. Applauding this frank and constructive discussion, ICRC expressed its readiness to support the Ministry in its efforts to ensure that the new

prison complex complies with international humanitarian standards, taking into account such national considerations as:

- The thinking of the authorities concerning the detention system;
- The human resources to be designated by the authorities to run the facilities;
- The cultural specificities of detainees.

13. In order to guarantee access to reports and the results of medical examinations, article 40 of the Code of Criminal Procedure provides that the police must promptly notify the competent investigator of any reports it receives about suspected criminal incidents so that investigations can commence and the necessary legal measures be taken.

#### **Matters raised in paragraph 3 of the list of issues**

14. The judiciary in Kuwait is respected as one of the State's three powers. Article 162 of the Kuwaiti Constitution thus provides that: "The honour of the judiciary and the impartiality of judges are the basis of governance and a guarantee of rights and freedoms." Article 163 of the Constitution asserts that judges, in their administration of justice, are subject to no authority and that no interference in the course of justice is permitted. The law also guarantees the independence of the judiciary and sets out the safeguards and provisions relating to judges, in addition to the conditions concerning their irremovability.

15. With a view to strengthening the frameworks and mechanisms for democracy and preventing the infringement of rights and freedoms, article 50 of the Constitution enshrines the principle of the separation of the powers of the State, explicitly providing for that principle in order to preclude any argument or confusion over it. The article also prohibits any of those three powers, namely the legislature, the executive and the judiciary, from relinquishing, in whole or in part, the functions vested in them under the Constitution (explanatory memorandum to the national Constitution) by providing that: "The system of governance is based on the separation of powers and cooperation among them in accordance with the Constitution. No power may relinquish, in whole or in part, its functions as provided for in this Constitution."

16. Within the context of the principle of the separation of powers, the constitutional provision governing the relationship between the country's Amir and the judicial power is worded differently from that governing his relationship with the executive and legislative powers. Hence, under articles 51 and 52 of the Constitution, the legislative and executive powers are vested in the Amir, the Council of Ministers, ministers and the National Assembly (Parliament) whereas, under article 53, the judicial power is vested in the courts, which exercise it in the name of the Amir within the limits prescribed in the Constitution.

17. The work of judges is periodically appraised in order to ensure the proper administration of justice and completion of cases. Such appraisals are carried out by the Justice Inspectorate, which comprises qualified and experienced judges. Sanctions may be imposed on any judge whose performance fails to meet the legally required standards.

18. Decree-Law No. 37 of 1990 contains numerous articles on procedures for the appointment of judges, as follows:

- Article 21, as amended pursuant to Act No. 69 of 2003, provides that: "Judges up to first-instance level and their equivalents at the Office of the Public Prosecutor shall be promoted on the basis of seniority and qualification, whereas promotion to other positions shall be by selection. In all cases, promotion shall be to the next level only, on condition that the candidate has achieved a proficiency score of not less than above average in two consecutive reports."

- Article 22 also provides that: “The seniority of judicial officers and members of the Office of the Public Prosecutor shall be determined by the date of the decree appointing them to their positions, unless another date approved by the Supreme Judicial Council is specified in the decree. If two or more judicial officers or public prosecutors are appointed in a single decree ...”
- Article 61, as replaced pursuant to article 1 of Act No. 10 of 1996 and article 1 of Act No. 69 of 2003, further provides that: “Appointments to the position of Public Prosecutor shall be by decree, on the basis of a submission by the Minister of Justice and the approval of the Supreme Judicial Council, from among judicial officers at a level of lower than that of justice, or persons of equivalent level from among the members of the Office of the Public Prosecutor, who have served at that level for a period of at least 25 years continuously, including a minimum of 10 years at the level of justice or equivalent, without prejudice to their respective orders of seniority at the time of their appointment to the judiciary. Appointment and promotion to other judicial positions shall be by decree on the basis of a submission by the Minister of Justice and the approval of the Supreme Judicial Council, apart from those at the level of deputy public prosecutor C, with respect to whom a decision shall be issued by the Minister of Justice after he has sought the opinion of the Public Prosecutor and the approval of Supreme Judicial Council. A deputy public prosecutor C shall be placed on a probationary period and may be dismissed by a decision of the Minister, after he has sought the opinion of the Public Prosecutor, if it is established that he is unfit to undertake the responsibilities of his position. He shall be considered to have tenure on his promotion to a higher position and the probationary period shall be counted as part of the period of service. All the terms of appointment for judges, as set out in article 19 of this Act, shall apply to members of the Office of the Public Prosecutor.”
- Article 23, as amended pursuant to article 10 of Act No. 19 of 1996, further provides that: “Judges and members of the Office of the Public Prosecutor, except those at the level of deputy public prosecutor C, shall be irremovable. The contracts of judges and members of the Office of the Public Prosecutor may not be terminated, except with their consent. Justices of the Courts of Cassation and Appeal shall not be transferred to the Office of the Public Prosecutor without their consent.”

19. As to the term of office for judges, article 9 of Decree-Law No. 14 of 1977, concerning the levels and salaries of judges and members of the Office of the Public Prosecutor, provides that: “The term of office of judges and members of the Office of the Public Prosecutor and the Department of Fatwas and Legislation shall end upon their attainment of 70 years of age. Those having attained this age shall continue to work through until the end of the judicial year. Terms of office may not be extended after the attainment of this age.”

20. In accordance with the Kuwaiti Constitution, the judiciary has a Supreme Council governed, in the performance of its functions, by the Judiciary Regulation Act No. 23 of 1990, pursuant to which it exercises oversight of judicial affairs in the State in keeping with the principle of independence. The Act empowers the Council to appoint, promote, transfer and second judges and members of the Office of the Public Prosecutor, express its opinion on matters relating to them and make such proposals as it deems appropriate in that regard. It should be noted that the Act does not empower the Council to intervene in proceedings before the courts or the Office of the Public Prosecutor. Although the Council consists of judges of various levels, together with the Public Prosecutor and the Deputy Minister of Justice, the latter does not participate in voting on the Council’s decisions. The Council is authorized to invite the Minister of Justice to its meetings, which the latter is also entitled to attend in order to raise important matters but likewise without participating in voting on the



Council's decisions. The role played by the Minister or Deputy Minister of Justice vis-à-vis the Kuwaiti judiciary essentially consists in facilitating the work of the judiciary and providing an effective channel of communication, without direct contact, between the judiciary and the other State authorities in conformity with the principle of the independence and impartiality of the judiciary.

21. Concerning the appointment of foreign judges, Kuwait has concluded bilateral judicial cooperation agreements with other States in accordance with which judges are seconded and employed under contract. The duration of their secondment is specified in these agreements, with judges returning to their home countries where their ongoing services are needed when the authorities in the other State believe that they have completed their mission.

#### **Matters raised in paragraph 4 of the list of issues**

22. Concerned to establish an independent national human rights body providing important benefits to the community, the State of Kuwait drafted Decree No. 170 of 2014 on the establishment of a human rights bureau, which has been sent to the National Assembly (Parliament) for approval and enactment.

#### **Matters raised in paragraph 5 of the list of issues**

23. During the period 2014-2015, five cases of domestic violence were handled by the Department of Community Policing at the Ministry of the Interior. Two of the five cases were amicably resolved.

24. Various measures have also been adopted in this regard, including the establishment of the Department of Community Policing in 2008. Women trained to deal with problems involving violence against women of all ages are among the staff employed by the Department, which is tasked with, inter alia:

1. Delivering first-class services to individuals in the community and to public and private community-based organizations with a view to narrowing the divide between the police and the community and firmly establishing the principle of cooperation and partnership between them, particularly in the realm of social issues and conflicts, including domestic and sexual violence;

2. Providing psychosocial support and arranging after-care for victims of violence and crime, especially women and children;

3. Intervening at an early stage to resolve and contain family disputes and quarrels, address their causes and prevent problems from escalating and reaching the courts, the aim being to preserve family cohesion;

4. Raising awareness in local communities of the need to protect family members from violence and of situations that children may encounter inside or outside the home.

25. The Department of Community Policing performs its work in the following manner:

1. It operates its own hotline with a view to encouraging victims of domestic violence to report the incidents of violence to which they have been subjected and to offering them social support, psychosocial counselling and legal advice to protect them from such violence;

2. Victims are interviewed by a female social worker with the aim of providing social support and learning about the various aspects of the problem relating to the violence directed against them;

3. Special rooms are set aside for interviewing victims of domestic violence, whether physical or sexual, who are thus assured of full privacy and confidentiality;

4. An integrated task force of social workers, psychologists and legal experts is formed to provide victims with the most appropriate solutions, full support and psychosocial counselling;

5. Victims in need of a place to stay are referred to the Department of Rehabilitation and Correction, which is a safe house for victims of domestic violence;

6. In the event that cases involving victims of domestic violence require referral to the courts, a lawyer for their defence is appointed by the Department of Community Policing, which is currently working to open a direct channel of communication with the Kuwait Bar Association, the idea being for the Association to offer social assistance by providing a lawyer in any case of need.

26. Activities undertaken by the Department of Community Policing include those of:

- Participating in relevant activities, among them observance of the International Day for Tolerance, on 16 November 2014, in association with official and non-governmental entities, in order to raise awareness of the values of tolerance and non-violence;
- Organizing educational talks for officers on community policing and its role in strengthening security in the community and on how to deal with victims of violence reporting to police stations and acquire the skills for communicating with them;
- Printing and distributing leaflets and brochures for raising awareness of the causes of violence in the home, at school and against women and of the means for addressing it;
- Participating in the work of the Supreme National Committee established by Ministerial Decree No. 116 of 2013, under the chairmanship of the Deputy Minister of Health and with a membership comprising representatives of government ministries and all other concerned entities, in order to lay the foundations and plans required to protect children from ill-treatment and neglect. Ministerial Decision No. 127 of 2014 was promulgated on the recommendation of the Committee and prescribes the mechanism for reporting suspected cases of child abuse or neglect.

27. In order to integrate the care provided in cases of violence, the Department of Rehabilitation and Correction at the Ministry of Awqaf and Islamic Affairs, which deals with educational and psychosocial matters, collaborates with the Ministry of the Interior for the achievement of joint objectives, which include those of:

- Developing positive values and attitudes among persons of both sexes spending time in the Central Prison, the Psychiatric Hospital, juvenile care homes or addiction treatment centres, as well as among victims of offending, antisocial behaviour and domestic violence, in order to foster good citizenship and facilitate the process of integration into society and the employment market;
- Providing for the educational, vocational, psychological and behavioural needs of inmates and building their characters through teaching Islamic values and principles.

28. Concerning the penalties to which perpetrators of these offences are liable, a committee was formed pursuant to Decision No. 2024 of 2014, with the Assistant Under-Secretary for Reform Institutions and Enforcement of Sentences as chairperson and the Department of Community Policing as a member representing the public security sector, in order to discharge the following tasks:

- Conduct a comprehensive study of the criminal laws relating to the control of violent behaviour and present a bill allowing for the imposition of tougher penalties for offences involving such behaviour;
- Introduce a bill allowing for tougher penalties to be imposed on juveniles caught carrying weapons, for the guardians of such juveniles to be summoned and held legally accountable, and for civil claims to be pursued, even if abandoned by the victim.

#### **Matters raised in paragraph 6 of the list of issues**

29. The Public Authority for Manpower supervises the labour force and keeps track of all labour-related issues. In the event of any dispute, it refers the offending companies to the Office of the Public Prosecutor. A large number of such companies have been referred in this manner for breaches of the Labour Code.

30. The Office of the Public Prosecutor investigates all cases, which it classifies by jurisdiction and which may involve breaches of laws other than those pertaining to the Authority. One such example is Case No. 340/2014 (Capital Office of the Public Prosecutor), which concerned a report by the Public Authority for Manpower citing the discovery made during a periodic inspection of registered commercial licences that foreign workers were registered with non-existent companies and were not engaged in any activity connected with the licence granted. After investigating the report, the Office of the Public Prosecutor had concluded that the requirements for the offence provided for in article 1, paragraph 4, of the Trafficking in Persons and Smuggling of Migrants Act No. 91/2013 had not been met. It therefore decided to rule out the suspicion of a trafficking offence and refer the papers to the General Department of Investigations at the Ministry of the Interior, which has jurisdiction for cases involving breaches of the Private Sector Labour Code (Act No. 6/2010), in accordance with article 9, paragraph 2, of the Code of Civil Procedure.

31. The Ministry of Justice has, however, received no other reports relating to the Trafficking in Persons and Smuggling of Migrants Act No. 91/2013.

32. Other violations entailing infringements of personal liberty and of the right of movement, the right not to be exploited and the right to physical integrity are investigated and prosecutions are brought against persons responsible for the offences of kidnapping, confinement, endangerment, forced sexual intercourse, indecent assault, incitement to prostitution and solicitation of prostitution provided for in the Criminal Code (Act No. 16/1960), as amended by Act No. 30/1970, as well as for the offences provided for in the Residence of Aliens Act No. 17/1959 and the Private Sector Labour Code (Act No. 6/2010).

33. With respect to national legislation, the United Nations Convention against Transnational Organized Crime and the two Protocols thereto were approved pursuant to Act No. 5 of 2006 and, in response to its international obligations, Kuwait promulgated the Trafficking in Persons and Smuggling of Migrants Act No. 91/2013, the articles of which address the following matters:

- Article 1 sets out the definitions of the expressions appearing in the Act, among them definitions for transnational organized crime, trafficking in persons, smuggling of migrants and unlawful entry;
- Article 2 prescribes penalties, up to the death sentence, to which anyone trafficking in persons may be liable;
- Article 3 prescribes penalties, up to a maximum 15-year term of imprisonment and a fine of between 10,000 and 20,000 dinars, to which those committing the offence of migrant smuggling may be liable;

- Article 4 provides for the punishment of any person who conceals a suspect or proceeds associated with either of the offences of trafficking in persons or smuggling of migrants;
- Article 5 provides for the confiscation of movable property, means of transport and seized items used or likely to be used in committing the offence of either trafficking in persons or smuggling of migrants;
- Article 6 provides for the punishment of both the legal representative and the de facto manager of a corporate entity for the benefit of which the offence of trafficking in persons or smuggling of migrants is committed, without prejudice to the personal criminal liability of the perpetrator of the offence;
- Article 7 prescribes a penalty of up to three years' imprisonment and a fine of between 1,000 and 3,000 dinars for anyone who knowingly fails to report to the competent authorities the planning of an offence involving trafficking in persons or smuggling of migrants;
- Article 8 provides for the penalty to which any person assaulting a law enforcement officer may be liable;
- Article 9 criminalizes the use of force, threat or bribery to induce a person to commit perjury or provide false information;
- Article 10 exempts from punishment any offender who takes it upon himself to report to the competent authorities information about an offence before it is committed;
- Article 11 provides for the exclusive jurisdiction of the Office of the Public Prosecutor to investigate, assess and prosecute offences under the Act
- Article 12 empowers the Office of the Public Prosecutor or the competent authority to refer victims to the medical authorities or a social care home or to order their placement in a shelter designated for the purpose by the State;
- Article 13 affirms that no sentence of death may be commuted to life imprisonment and no sentence of life imprisonment to the maximum fixed-term of imprisonment, except as provided for in article 83 of the Criminal Code, and that there can be no stay of execution or withholding of sentence for any of the offences provided for in the Act.

34. The criminal protection prescribed by the Kuwaiti legislature under the country's Criminal Code (Act No. 16 of 1960), as amended, cannot be overlooked, aiming as it does to combat human trafficking and safeguard the rights of those who fall prey to such trafficking while in the territory of the State of Kuwait. The Criminal Code contains ample provisions for the protection of workers' rights and freedoms, including the prescription of stringent penalties for offences committed in that connection, such as those involving murder, violence, kidnapping, false imprisonment, trafficking in slaves and other prohibited acts. These provisions of course extend fairly and effectively to include the protection of foreign workers and residents. Articles 186, 187, 188, 189, 190, 191, 192, 193 and 194 are among those containing these provisions.

35. Article 49 of Act No. 31 of 1970 amending the Kuwaiti Criminal Code (Act No. 16 of 1960) also prohibits all forms of forced labour and exploitation and the withholding of pay without justification.

36. Concerning access to remedies for victims of human trafficking, one of the fundamental constitutional rights enshrined by the Kuwaiti legislature is the right of legal recourse, which is afforded to all persons without exception and without distinction

between citizens and residents. Article 166 of the Constitution of the State of Kuwait thus provides that: “The right of legal recourse is guaranteed to all. The law shall set out the procedures and conditions for the exercise of this right.” Article 29 of the Constitution also provides that: “All persons have equal human dignity and equal rights and duties before the law, without distinction among them on grounds of sex, origin, language or religion.”

37. With respect to reparation for human trafficking offences, article 3 of Decree-Law No. 67 of 1980 promulgating the Civil Code addresses the matter of compensable injury, providing as follows:

“1. The exercise of a right shall be unlawful if, in exercising it, the holder of the right deviates from its purpose or distorts its social function, particularly:

- (a) If the benefit arising out of it is unlawful;
- (b) If it is intended only to cause injury to third parties;
- (c) If the benefit arising out of it is altogether disproportionate to the injury caused to third parties;
- (d) If it is liable to cause excessive injury to third parties.”

38. In the same context, Decree-Law No. 67 of 1980 promulgating the Civil Code contains numerous provisions upholding the right of a person injured by an unlawful act to claim compensation for the injury sustained. Of these provisions, the following are worthy of mention:

- Article 227 provides that: “1. Anyone whose wrongful act directly or indirectly causes injury to a third party shall be required to compensate the injured party. 2. The person shall be required to compensate for the injury arising from his wrongful act, even if he is incapable of exercising discretion.”
- Article 228 provides that: “1. If several persons were at fault in causing the injury, each of them shall be required to compensate the injured party in full. 2. The burden of liability shall be apportioned among those having several liability in accordance with the extent to which each was at fault in causing the injury. If that extent cannot be established, the liability shall be apportioned equally among them.”
- Article 231 provides that: “1. Injury for which compensation is payable shall include moral injury. 2. Moral injury shall include in particular physical or mental harm resulting from injury to a person’s life, physical integrity, freedom, modesty, honour, reputation, social or moral status or self-esteem.”

39. In letter No. 301 dated 27 April 2014 addressed to the Secretary-General of the Council of Ministers, the Ministry set out its vision concerning the modalities and mechanisms for giving effect to and applying the Trafficking in Persons and Smuggling of Migrants Act No. 91 of 2013, which include but are not limited to:

1. Establishing a national central mechanism for coordinating efforts to prevent trafficking in persons and smuggling of migrants and to protect victims of both;
2. Preparing an action plan or national strategy for creating the most appropriate mechanisms and practical measures through which to give optimum effect to the provisions of the Act;
3. Establishing community-based mechanisms dedicated to the protection of victims of human trafficking or smuggling of migrants, and providing care facilities offering advisory, medical and legal services to such victims;

4. Putting in place additional border procedures at air, sea and land ports of entry in order to strengthen the mechanisms for detecting cases involving trafficking in persons and smuggling of migrants;

5. Preparing and implementing training and refresher training programmes for law enforcement officials, immigration department staff and personnel working at air, sea and land ports of entry, covering the subjects of combating trafficking in persons and smuggling of migrants and the rights of victims.

40. With respect to international and regional cooperation, the State of Kuwait has undertaken the following:

1. Strengthened means of international cooperation in the context of combating trafficking in persons and smuggling of migrants, including through cooperation agreements, memoranda of understanding or implementing arrangements agreed with the States concerned;

2. Strengthened cooperation mechanisms with regional organizations (the Cooperation Council for the Arab States of the Gulf, the League of Arab States and other Asian and African organizations) in the area of combating trafficking in persons and smuggling of migrants.

41. In the bilateral field, the State of Kuwait has undertaken the following:

1. Worked to conclude bilateral cooperation agreements with other States having ratified the Convention on Transnational Organized Crime and the two Protocols supplementing it on trafficking in persons and smuggling of migrants;

2. Strengthened means of cooperation with source countries in order to expedite and facilitate procedures and arrangements for the repatriation of trafficked persons and smuggled migrants to their home countries without them being exposed to suffering or subjected to lengthy procedures.

### **Article 3**

#### **Matters raised in paragraph 7 of the list of issues**

42. Article 16 of the Residence of Aliens Act, promulgated by Decree No. 17 of 1959, clearly and explicitly regulates this matter, stipulating as it does that: "The Minister of the Interior may order the deportation of any alien, even if he has a residence permit, in the following cases:

- If he is convicted and his deportation is recommended under the terms of the judgement;
- If he has no evident means of subsistence;
- If the Minister of the Interior believes that his deportation is required in the interest of the public, public security or public morality".

43. The Act, however, gives consideration to the humane treatment of deportees in general and to their rights when the deportation order is executed, as it affords them a period of grace of up to three months during which to liquidate their interests in Kuwait insofar as article 22 provides that: "If an alien with a deportation or expulsion order against him has interests in Kuwait that require liquidation, he shall be granted a period of grace in which to liquidate them after providing surety. The Ministry of the Interior shall determine the duration of this period, which must not exceed three months."

44. The Ministry may also occasionally extend the prescribed maximum period of three months where humanitarian considerations call for a longer period. Examples of such considerations include the following:

- Where a deportee has children in school, which may justify an extension of the period of grace granted to him until such time as his children have completed the school year;
- Where a deportee is suffering from a chronic disease for which treatment may be required for a specific period of time;
- The Act furthermore states that no deportee may be detained for longer than 30 days, thereby effectively protecting deportees from a prolonged detention and its potentially adverse impacts.

45. Administrative procedures carried out in dealing with persons in the custody of the Department of Deportation include the following:

- All cases are scrutinized and checked by computer;
- A special file on persons awaiting deportation is opened, covering all of the procedures followed, such as photographing, finger-printing and so forth;
- A check is carried out to ensure that persons awaiting deportation have a passport and travel tickets so that they can be promptly deported once the Minister of the Interior has approved the deportation order;
- If a person awaiting deportation has no passport, the relevant embassy is contacted for it to issue a travel document enabling his departure;
- If a person awaiting deportation has no travel ticket, a ticket is issued by the Ministry of the Interior and the cost is later recovered from the employer.

46. Concerning the release of deportees, the following is worth noting:

- With respect to administrative deportation, detainees (awaiting deportation) are released by the Ministry of the Interior pursuant to a request for clemency submitted by his sponsor or representative;
- As to judicial deportation, persons awaiting deportation are released pursuant to a judicial ruling or an amnesty granted by the Amir.

47. In accordance with Ministerial Decision No. 3941 of 2011, moreover, a committee chaired by a representative of the Court of Appeal and comprising representatives of the Ministry of the Interior, the Office of the Public Prosecutor and the General Department of Investigations was established with the task of making a comprehensive study of all cases involving persons of various nationalities who are awaiting deportation in the custody of the Department of Deportation and Remand. The purpose of the study is to identify and assess the obstacles to travel in each case; provide recommendations as to whether the person concerned should remain in custody or be granted sponsorship where not incompatible with the security situation; and prepare a detailed report on the legal status of each case and whether deportation can take place or not.

48. Kuwait also invariably does its utmost to show due regard for the humanitarian aspect in dealing with persons in breach of the residence requirements, frequently exempting them from the prescribed fines, regardless of the amount, and allowing them to leave the country without needing to obtain approval from any other entity. Illustrative examples include Ministerial Decision Nos. 1027/2002, 1083/2004, 484/2007, 2166/2008 and 1054/2011 regulating the expulsion of aliens not holding residence permits or whose

permits have expired and the question of their exemption from payment of the residence fees.

49. Many of those in breach of the country's Residence of Aliens Act have benefited from Decision No. 1054/2011 regulating the expulsion of aliens not holding residence permits or whose permits have expired.

50. During the period 2012-2015, 678 persons of various nationalities with deportation orders against them were released under an amnesty granted by His Highness the Amir.

51. Anyone who fears being subjected to torture or inhumane treatment is also given the option of choosing to leave for another country. The Ministry of the Interior is committed to inviting ICRC to visit such persons so that it can hear their views and complaints and to working in coordination with international committees and organizations in making arrangements for travel to other countries.

52. The following table shows the number of deportees and the measures taken in their regard from 1 January 2013 to date.

<i>No.</i>	<i>Number of deportees</i>	<i>Measures taken</i>
1	88 430	Deportation to country of origin
2	87	Release
3	16	Resettlement in a third country

53. A draft security cooperation agreement guaranteeing security coordination among the States of the Gulf Cooperation Council (GCC), in addition to border control, accident rescue cooperation and the extradition of suspects and convicted persons, was signed by the GCC Ministers of the Interior on 13 November 2012. It has not, however, been ratified by Kuwait and remains tabled before the National Assembly (Parliament) for approval.

#### **Matters raised in paragraph 8 of the list of issues**

54. There are no asylum applications on record with the relevant authorities. Concerning mechanisms for appealing against deportation orders, two types of deportation exist. The first is ordered by a court, usually as an additional penalty in cases where the judge decides to convict an alien for an offence insofar as, under the law, a judge is permitted to order the deportation of a convicted person once he has served his sentence. The convicted person is entitled to appeal against the decision in the manner prescribed by law.

55. The second type is administrative deportation, which the Minister of the Interior is empowered to order if required in the public interest or if public order is threatened. Pursuant to Decree-Law No. 20/1981 establishing the Administrative Department, administrative deportation orders are not subject to oversight by an administrative judge. Appeals to set aside such orders cannot therefore be lodged.

#### **Matters raised in paragraph 9 of the list of issues**

56. There are no cases of expulsion or extradition carried out by the State through the acceptance of diplomatic assurances or the equivalent thereof.

#### **Matters raised in paragraph 10 of the list of issues**

57. The State of Kuwait does not intend to accede to the Convention Relating to the Status of Refugees of 1951 and its Optional Protocol of 1967.



## Articles 5, 7, 8 and 9

### Matters raised in paragraph 11 of the list of issues

58. The provisions of articles 11 to 15 of the Criminal Code establish the jurisdiction of the national judiciary. With respect to violations relating to torture offences, if the offence is committed in the territory of the State or its effects extend into Kuwaiti territory, or if the offender is among those who enjoy citizenship, the principle of non bis in idem applies.

59. With regard to article 5, paragraph 2, of the Convention, the Office of the Public Prosecutor has issued a guide to judicial cooperation on criminal matters for 2015 (annexed hereto), which sets out the procedural and substantive rules for the extradition of offenders in accordance with national legislation. Extradition requests must be accompanied by certified official copies of the investigation report and the arrest warrant or the conviction to a custodial sentence. The extradition of requested persons is approved as provided for in bilateral or multilateral treaties (including the Convention against Torture), or in accordance with the principle of reciprocity.

### Matters raised in paragraph 12 of the list of issues

60. Annexed hereto are copies of the following decrees and laws relating to the ratification of legal and judicial cooperation agreements concluded by Kuwait with various States: a decree-law ratifying a legal and judicial cooperation agreement on civil, commercial, criminal and personal status matters between the State of Kuwait and the Tunisian Republic; Decree-Law No. 19 of 1989 approving a legal and judicial cooperation agreement on civil and criminal matters between the State of Kuwait and the People's Republic of Bulgaria; Act No. 6 of 1964 ratifying an agreement on the mutual extradition of offenders between the Government of the State of Kuwait and the Government of the Lebanese Republic; Act No. 27 of 2007 approving a legal and judicial cooperation agreement on the extradition of offenders between the State of Kuwait and the Republic of India; and Act No. 46 of 1998 approving a legal and judicial cooperation agreement on civil, commercial and criminal matters between State of Kuwait and the Republic of Turkey.

### Matters raised in paragraph 13 of the list of issues

61. The State of Kuwait is bound by various legal assistance agreements on criminal matters with the following States: the Kingdom of Morocco; the Tunisian Republic; the Islamic Republic of Iran; the Republic of India; the People's Republic of Bulgaria; the Arab Republic of Egypt; the Lebanese Republic; the Hashemite Kingdom of Jordan; the Republic of Korea; the Democratic Republic of Yemen; the People's Democratic Republic of Algeria; and the Republic of Albania.

62. The State of Kuwait has also ratified the three judicial cooperation agreements of the League of Arab States, concluded in 1952.

## Article 10

### Matters raised in paragraph 14 of the list of issues

63. The State of Kuwait endeavours to increase awareness among law enforcement officials and prison staff through:

- Administrative instructions governing the operation of all security sectors and providing guidance for officers and personnel concerning the potential for errors in the course of their work and how to avoid committing acts of violence against

detainees, in addition to alerting them to the consequences of such acts in that they are liable to be held legally accountable and referred to a military tribunal and the competent authorities in the event that their acts are proven to constitute a punishable criminal offence;

- Training courses for officers to explain the rights of detainees and the legal procedures to be taken in the event of an allegation of injuries caused by an assault or suspected torture;
- Workshops organized by the Department of Forensic Medicine on how to deal with cases of torture; training courses organized by the Ministry of the Interior for all of its security personnel, in particular police officers and law enforcement officials; and training programmes run through the specialist training centres attached to each security sector;
- Human rights training courses run by the Ministry of the Interior, in conjunction with international human rights organizations, as part of its overall annual training scheme, covering, inter alia:
  - Human rights in general;
  - International human rights protection;
  - International humanitarian law;
  - Rules of criminal investigation;
  - The part played by security personnel in dealing with cases of violence involving young persons;
  - Criminal procedures in child abuse cases;
  - The role of security personnel in combating human trafficking;
  - Principles of international humanitarian law;
  - Promotion of a legal culture among members of the police force;
  - The legal culture among law enforcement officials;
  - Work ethics;
  - Techniques for dealing with the public.

64. A training centre has also been established for the sector in charge of correctional institutions and the enforcement of sentences. The centre runs seasonal courses, organizes symposiums and develops educational programmes for raising human rights awareness among officers and staff of the General Department for Correctional Institutions who work with prisoners and detainees. Introductory courses have been organized for their benefit on the following:

- The Prisons Regulation Act – human rights;
- Security searches (searches of individuals, vehicles and places);
- Categorization of prisoners – techniques for dealing with prisoners;
- Secure transport of prisoners;
- Deportation and detention procedures;
- Visits were also made to a number of European prisons in order to learn about the regimes in place in such institutions.

65. In the interest of realizing the benefit of these courses, the Ministry of the Interior follows a practical methodology for evaluating their effectiveness, which consists in:

- Making assessments of courses and workshops while in progress and after the event;
- Following up the professional development in the field of human rights of those who complete such courses;
- Monitoring cases that might be encountered by those who complete such courses;
- Continuing to develop the course programmes in the light of new human rights issues.

#### **Matters raised in paragraph 15 of the list of issues**

66. Decree-Law No. 37 of 1994 establishing the Kuwait Institute for Legal and Judicial Studies provides in article 2 that: “The Institute shall be entrusted with attainment of the following objectives:

1. Organizing practical and theoretical training in the performance of their duties for all members of the Office of the Public Prosecutor and the Department of Fatwas and Legislation, as well as for Kuwaiti personnel of the General Department of Investigations;
2. Strengthening the capacities of judges and the groups mentioned in the preceding paragraph in order to improve the standard of their performance and the practices applied;
3. Training judicial auxiliaries and assistants in legal procedures, improving the standard of their practical performance, monitoring their further training and developing their knowledge and aptitudes;
4. Running courses for legal personnel working for government agencies and in public bodies and institutions;
5. Collecting, storing and disseminating judicial documents and legal studies;
6. Developing, broadening and encouraging scientific research in the legal and judicial fields, including through the organization of seminars and symposiums, in addition to the publication of a periodical for disseminating information on research, studies and seminars.”

67. Proceeding from this provision, the Kuwait Institute for Legal and Judicial Studies runs practical and theoretical training programmes for judges, public prosecutors and their auxiliaries, and personnel of the General Department of Investigations in order to enhance their skills, develop their capacities and strengthen their expertise. Courses held as part of the training programme for 2014/15 included: a course on the essential features of indecent assault offences, from 8 to 10 February 2015; a course on human rights in the context of criminal proceedings, from 1 to 3 March 2015; and a course on combating human trafficking, from 17 to 19 May 2015.

### **Article 11**

#### **Matters raised in paragraph 16 of the list of issues**

68. The Kuwaiti Constitution and relevant laws comprise various principles relating to the rules on the interrogation, custody and treatment of persons who are under any form of arrest or detention, including as follows:

- Article 31 of the Constitution provides that: “No person may be arrested, detained, searched, compelled to reside in a specified place, or subjected to restrictions on his or her freedom of residence or movement except in accordance with the law. No person may be subjected to torture or degrading treatment.”
- Article 12 of the Code of Criminal Procedure provides that: “No investigator or person with judicial authority may use torture or coercion to obtain statements from a suspect or witness or to prevent either from making any statement he wishes during trial or investigation proceedings. Any person committing any such act shall be punished as provided for in the Criminal Code.”

69. In order to provide further safeguards relating to the investigation, interrogation, custody and treatment of persons and to the process of bringing them to justice, various articles of the Code of Criminal Procedure were amended in order to reduce the custody period and explain how to contest remand orders issued by the investigation authorities, pursuant to the promulgation of Act No. 3 of 2012, which provides as follows:

Article 1

Articles 60, paragraph 2, 69, 70 and 75 of the Code of Criminal Procedure shall be replaced by the following:

Article 60, paragraph 2: “Under no circumstances may an arrested person remain in custody for a period of more than 48 hours without a written order from the investigator for his remand in custody.”

Article 69: “If, in the interest of the investigation, it is deemed necessary to remand an accused person in custody in order to prevent him from absconding or from influencing the course of the investigation, the investigator may remand him in custody for a period not exceeding 10 days from the date of his arrest. The person remanded in custody may lodge a complaint against his remand order before the president of the court competent to approve the renewal of such orders. The president of the court shall rule on his complaint within 48 hours from the date of its submission and any decision rejecting his complaint must be substantiated. The president of the court may order the renewal of a remand order for a period not exceeding 10 days whenever he is so requested, with the proviso that the total custody period must under no circumstances exceed 40 days from the date of the accused person’s arrest and that no remand order must be issued before the accused person’s statements have been heard.”

Article 75: “Both the accused person and the victim have the right to attend all the preliminary investigation proceedings and to be accompanied by their lawyers at all stages thereof.”

70. New articles have been added to the above Act:

Article 60 bis: “During the period of detention provided for in article 60, the police officers must permit the accused to communicate with his lawyer or to inform a person of his choosing about his situation.”

Article 74 bis: “Any accused person who is detained by the police or remanded in custody must be informed in writing of the reasons for his detention or custody and must also be permitted to seek the assistance of a lawyer and to meet privately with his lawyer at any time.”

71. The Prisons Regulation Act No. 26 of 1962 also provides as follows:

Article 18: “No person may be imprisoned without a written order from the competent authority and nor may any person remain in prison after the period specified in such order.”

Article 19: “The order provided for in the preceding article shall be drawn up in one original and two copies, all of which must be signed by the person making the order. The prison warden or his representative must sign the original, which is returned to the prisoner escort officer. The warden shall keep one of the two copies in the prison and transmit the other copy to the Prisons Administration for storage in the prisons file.”

Article 20: “On admission of the prisoner, details of the order for his remand in custody shall be entered in the register of prisoners, which must be signed by the prisoner escort officer.”

#### **Matters raised in paragraph 17 of the list of issues**

72. The State of Kuwait is committed to the implementation and enforcement of the law, with officials performing their functions of supervising and monitoring places of police custody, to which unannounced inspection visits are regularly made in order to ascertain that they are fit for purpose, that detainees are properly housed and fed, that there is no misconduct on the part of any police officers or personnel and that all detainees have been detained on the basis of a legal document issued by the competent investigation authorities.

73. Police stations also work in conjunction with the competent authorities by hosting and organizing visits conducted by national task forces, committees or associations, or by international organizations, for the purpose of monitoring and inspecting their places of custody.

74. The Prisons Act No. 26/1962 governs the operation of prisons. For example:

- Article 15 provides that: “The Director of Prisons may carry out a prison inspection at any time. Prisoners may speak to the Director during the inspection and voice any complaints to him. The Director shall investigate all serious complaints, take action to address their causes, where founded, and report substantial cases to the Ministry of the Interior.”
- Article 16 provides that: “The Director of Prisons shall appoint inspectors from the Prisons Administration to inspect prisons and ascertain that the systems in place are being properly implemented and that prison security, hygiene and health requirements are being met. They shall submit their reports on the matter to the Director and communicate their comments to the prison warden.”
- Article 74 provides that: “The doctor shall inspect the prison facilities, rate the acceptability of the food provided to prisoners and the cleanliness of the places where food is prepared and cooked, and identify the measures that he considers essential for the maintenance of general health within the prison. The prison warden shall implement the health measures that the doctor believes should be taken.”

75. International and local human rights organizations, such as ICRC, the Human Rights Committee of the National Assembly and the Human Rights Committee of the Kuwait Bar Association, are also permitted to visit prisons, inspect the conditions in which prisoners are kept, talk with prisoners and listen to their complaints and requests, check the prison conditions in general and ascertain that the facilities are adequate in terms of cleanliness, the service provided to prisoners and the competence of the personnel and that the Prisons Act and the prison regulations are being applied. Inspections are also conducted by the Department of Monitoring and Inspection attached to the Ministry of the Interior.

76. ICRC has hitherto conducted 39 visits to prisons since 2010.

77. The Human Rights Committee of the National Assembly also conducts regular visits to prison and has undertaken three such visits.

### Matters raised in paragraph 18 of the list of issues

#### Women's Prison – convicted prisoners

<i>No.</i>	<i>Case Nationality</i>	<i>Offences against the person</i>	<i>Offences against reputation and modesty</i>	<i>Financial offences</i>	<i>Alcohol and drugs offences</i>	<i>Number of cases</i>	<i>Total</i>
1	Kuwaiti	4	1	3	6	3	17
2	Non-Kuwaiti	-	-	-	1	2	3
3	Egyptian	-	-	1	1	1	3
4	Lebanese	1	-	-	-	-	1
5	Saudi	1	-	-	-	-	1
6	Ethiopian	7	4	3	1	-	15
7	Iranian	-	-	-	2	-	2
8	Iraqi	-	-	-	1	-	1
9	Nepalese	1	-	-	2	1	4
10	Filipino	4	9	6	5	1	25
11	United States	-	-	-	1	-	1
12	Indian	2	2	-	4	-	8
13	Sri Lankan	5	3	4	10	1	23
14	Indonesian	-	2	-	2	1	5
15	Bengali	-	-	-	2	-	2

#### Women's Prison – detainees

<i>No.</i>	<i>Case Nationality</i>	<i>Offences against the person</i>	<i>Offences against reputation and modesty</i>	<i>Financial offences</i>	<i>Alcohol and drugs offences</i>	<i>Total</i>
1	Kuwaiti	-	-	2	1	3
2	Filipino	-	3	4	1	8
3	Ethiopian	1	-	-	2	3
4	Chinese	-	-	-	1	1
5	Bengali	-	-	1	-	1
6	Nepalese	-	-	1	-	1
7	Sri Lankan	-	-	-	1	1
8	Indian	-	1	-	-	1

#### Number of women prisoners released in 2015

<i>Nationality</i>	<i>Number</i>
Kuwaiti	18
Filipino	16
Iraqi	1
Indian	4
Turkish	4
Iranian	1

<i>Nationality</i>	<i>Number</i>
Sri Lankan	3
Lebanese	1
Ethiopian	2
Chinese	1
Egyptian	1
Nepalese	2
<b>Total</b>	<b>54</b>

#### **Number of women prisoners released in 2014**

<i>Nationality</i>	<i>Number</i>
Kuwaiti	47
Ethiopian	19
Non-Kuwaiti	4
Algerian	1
Indonesian	11
Filipino	27
Nepalese	7
Indian	14
Sri Lankan	21
Egyptian	3
Lebanese	2
Syrian	4
Spanish	1
Somali	3
Iranian	1
Jordanian	1
United States	2
Bengali	2
<b>Total</b>	<b>170</b>

#### **Number of women prisoners released in 2013**

<i>Nationality</i>	<i>Number</i>
Iraqi	4
Ethiopian	21
Egyptian	4
Non-Kuwaiti	3
Kuwaiti	42
Sri Lankan	29
Filipino	43
Nepalese	10

<i>Nationality</i>	<i>Number</i>
Indonesia	16
Turkish	3
Indian	12
Bengali	1
Iranian	2
Chinese	2
Lebanese	1
Saudi	1
Syrian	1
<b>Total</b>	<b>195</b>

#### **Number of women prisoners released in 2012**

<i>Nationality</i>	<i>Number</i>
Filipino	55
Kuwaiti	36
Iraqi	3
Saudi	1
Sri Lankan	37
Indonesian	34
Nepalese	14
Ethiopian	24
Non-Kuwaiti	3
Syrian	3
Egyptian	6
Iranian	5
Indian	13
Lebanese	1
Somali	3
Bengali	3
Jordanian	5
<b>Total</b>	<b>246</b>



**Number of women prisoners released in 2011**

<i>Nationality</i>	<i>Number</i>
Kuwaiti	33
Sri Lankan	51
Indonesian	48
Jordanian	1
Indian	31
Egyptian	5
Chinese	1
German	1
Filipino	46
United States	2
Nepalese	12
Bengali	2
Ethiopian	11
Iraqi	2
Lebanese	2
Saudi	2
Tunisian	1
Armenian	1
Ukrainian	1
Iranian	1
Non-Kuwaiti	1
Pakistani	1
Malaysian	1
<b>Total</b>	<b>257</b>

**Central Prison – male prisoners**

<i>No.</i>	<i>Case Nationality</i>	<i>Offences against the public interest</i>	<i>Offences against the person</i>	<i>Offences against reputation and modesty</i>	<i>Financial offences</i>	<i>Alcohol and drugs offences</i>	<i>Total</i>
1	Kuwaiti	41	106	115	119	599	<b>971</b>
2	Non-Kuwaiti	18	36	49	81	142	<b>353</b>
3	Saudi	1	16	8	12	38	<b>75</b>
4	Bahraini	-	-	-	1	1	<b>2</b>
5	Omani	-	-	1	1	-	<b>2</b>
6	Iraqi	12	2	4	4	29	<b>51</b>
7	Jordanian	1	1	2	6	8	<b>69</b>
8	Palestinian	-	-	-	4	1	<b>5</b>
9	Syrian	3	12	9	33	27	<b>153</b>
10	Lebanese	-	3	1	3	2	<b>9</b>
11	Egyptian	1	20	28	46	160	<b>255</b>

No.	Case Nationality	Offences against the public interest	Offences against the person	Offences against reputation and modesty	Financial offences	Alcohol and drugs offences	Total
12	Liberian	-	-	-	-	2	2
13	Yemeni	-	1	1	4	2	8
14	Sudanese	-	2	-	1	1	4
15	Somali	-	-	-	1	1	2
16	Iranian	4	7	7	11	153	182
17	Pakistani	1	8	9	9	191	218
18	Afghan	-	1	1	3	23	28
19	Bengali	-	27	74	30	137	268
20	Sri Lankan	1	8	=	12	71	92
21	Filipino	1	2	-	1	18	21
22	Indian	-	18	15	22	124	271
23	Armenian	-	-	-	2	-	2
24	Beninese	-	-	-	1	-	1
25	Ethiopian	-	2	-	3	4	9
26	Nepalese	-	-	2	1	7	10
27	Ghanaian	-	-	-	-	1	1
28	United States	-	-	-	2	1	3
29	United Kingdom	-	-	-	1	1	2
30	French	-	-	-	1	-	1
31	Dominican	1	-	-	1	-	2
32	Indonesian	-	-	-	2	-	2
33	Burmese	-	1	-	-	-	1
34	Kosovan	-	-	-	1	-	1
35	Korean	-	1	-	-	1	2
36	Malaysian	-	-	-	3	-	3

78. Minors have their own custodial facilities, which fall under the Ministry of Social Affairs and Labour, with article 1, paragraph (i), of the Juveniles Act No. 3 of 1983 providing in regard to supervised institutions that: "Every social institution attached to the Ministry of Social Affairs and Labour shall be authorized to take care of juvenile suspects remanded in custody by the Office of the Public Prosecutor." Article 7 also provides that: "Prison sentences handed down in accordance with article 14 shall be served in penal institutions designed for juveniles, which shall be regulated by a decision of the Minister of Social Affairs and Labour after he has sought the opinion of the Ministry of the Interior."

79. The above clearly indicates that juvenile suspects are not held in adult places of detention pursuant to this Act. Supervised social homes are equipped with the facilities to ensure that living conditions are in keeping with the human rights principles enshrined in the Kuwaiti Constitution and in the international and regional instruments and treaties on the rights of both children and prisoners to which Kuwait is a signatory. Furthermore, there are no military personnel in such institutions; all of their personnel, including social workers, psychologists and social supervisors, are civilians.

80. Juveniles in custody are also permitted to complete their studies, which are coordinated with the Ministry of Education, and special committees are in place to ensure that they are able to sit their examinations while in custody or detention. The families of such juveniles are permitted to visit them twice weekly, as are their lawyers, and various recreational programmes and social activities are organized in order to promote integration with their peers until their cases are heard and they are sentenced to imprisonment or placement in an institution, or acquitted.

81. The needs of juveniles in custody are also met within the confines of what is permissible under the laws and regulations governing the operation of these institutions, with an emphasis on humane treatment involving no torture or any other form of abuse.

82. As to other units to which offending or accused juveniles may also be sent if sentenced to imprisonment or placement in an institution, they provide full psychosocial services and deliver various welfare programmes dealing with vocational, religious, health-related and educational matters. Efforts are additionally made to rehabilitate such juveniles so that they are able to reintegrate into society as upstanding individuals. Regulations have furthermore been put in place to safeguard the human rights of juveniles in the institutions where they are detained or placed.

83. The ministerial decision concerning the statutes of the Department of Juvenile Welfare, promulgated in 2004, makes ample provision for safeguarding the rights of detained juveniles and ensuring that they are treated fairly and humanely. Article 38 of that decision accordingly covers the rights of inmates, stating that:

1. Juveniles are entitled to be treated in a humane and dignified manner by all personnel working in social institutions;

2. Inmates must not be subjected to mental or physical harm and must be treated fairly and have access to all services, programmes and activities without distinction as to nationality, religion, colour or denomination;

3. Juveniles inmates may not be denied visits from their families, except within the strictest limits or for security reasons, in their own interest and on the basis of a decision of the Technical Committee;

4. Juveniles are entitled to contact their State, the Red Crescent, ICRC or other international bodies or organizations with a view to facilitating communication with their families via the administration in charge of their custodial facility, in accordance with the rules and regulations in place;

5. Juvenile inmates are entitled to receive medical treatment and, if they are subsequently found to be suffering from any communicable disease, permanent disability or mental disorder, they are transferred to the competent authority in accordance with the decisions of the Technical Committee and the requirements of the Juveniles Act.

#### **Matters raised in paragraph 19 of the list of issues**

84. Judicial statistics show that, as at 28 December 2014, the Court of Cassation had handed down 28 death sentences, 5 of them to women, as illustrated in the table below.

<i>Final death sentences not yet executed</i>			
<i>No.</i>	<i>Sex</i>	<i>Nationality</i>	<i>Charge</i>
1	Male	Pakistani	Drug trafficking
2	Male	Pakistani	Drug trafficking

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<i>Final death sentences not yet executed</i>			
3	Male	Pakistani	Drug trafficking
4	Male	Sri Lankan	Drug trafficking
5	Male	Pakistani	Drug trafficking
6	Male	Pakistani	Drug trafficking
7	Male	Pakistani	Drug trafficking
8	Female	Filipino	Murder
9	Male	Iranian	Drug trafficking
10	Female	Bangladeshi	Kidnapping and forced sexual intercourse
11	Male	Pakistani	Drug trafficking
12	Male	Iraqi	Drug trafficking
13	Female	Kuwaiti	Murder
14	Male	Egyptian	Murder
15	Male	Egyptian	Murder
16	Male	Pakistani	Murder
17	Male	Syrian	Murder
18	Male	Indian	Murder
19	Male	Afghan	Murder
20	Male	Kuwaiti	Murder
21	Male	Kuwaiti	Murder
22	Male	Kuwaiti	Torture leading to death
23	Male	Kuwaiti	Torture leading to death
24	Male	Kuwaiti	Murder
25	Female	Kuwaiti	Murder
26	Male	Kuwaiti	Murder
27	Male	Kuwaiti	Murder
28	Male	Sri Lankan	Murder
29	Male	Female [sic]	Murder

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85. In addition to the above, statistics show that, as at 28 December 2014, 21 final death sentences, including 3 handed down to women, had been commuted by Amiri decree to life imprisonment, as illustrated in the following table.

<i>Final death sentences commuted to life imprisonment</i>			
<i>No.</i>	<i>Sex</i>	<i>Nationality</i>	<i>Charge</i>
1	Male	Bengali	Murder
2	Male	Bengali	Murder
3	Male	Kuwaiti	Murder
4	Male	Filipino	Murder
5	Male	Bengali	Murder
6	Male	Bengali	Murder
7	Male	Bengali	Murder
8	Female	Sri Lankan	Murder
9	Male	Indian	Murder
10	Male	Indian	Murder
11	Male	Pakistani	Murder
12	Male	Bengali	Murder
13	Male	Kuwaiti	Murder
14	Male	Indian	Murder
15	Male	Egyptian	Murder
16	Male	Indian	Murder
17	Male	Egyptian	Manslaughter
18	Female	Filipino	Manslaughter
19	Female	Filipino	Manslaughter
20	Male	Iraqi	Agreement to murder
21	Male	Iraqi	Agreement to murder

86. The tables below set out information, disaggregated by sex and nationality, on prisoners sentenced to death.

#### **Number of prisoners sentenced to death and awaiting execution**

<i>No.</i>	<i>Sex</i>	<i>Nationality</i>	<i>Number</i>
1	Male	Afghan	1
2	Male	Pakistani	9
3	Male	Bengali	3
4	Male	Saudi	2
5	Male	Syrian	1
6	Male	Sri Lankan	2
7	Male	Iraqi	1
8	Male	Unspecified	4
9	Male	Kuwaiti	13
10	Male	Egyptian	5

<i>No.</i>	<i>Sex</i>	<i>Nationality</i>	<i>Number</i>
11	Male	Indian	1
12	Male	Iranian	1
13	Male	Kuwaiti	2
14	Female	Ethiopian	3
15	Female	Filipino	1

#### **Executed death sentences**

<i>No.</i>	<i>Type of offence</i>	<i>Manner of execution</i>	<i>Number</i>
1	Kidnapping and indecent assault	Hanging	1
2	Murder	Hanging	4

#### **Statistics on numbers of death-row inmates, inmates with commuted death sentences, executed inmates and deaths**

<i>No.</i>	<i>Number of death-row inmates</i>	<i>Number of inmates with commuted death sentences</i>	<i>Number of inmates executed since 2011</i>	<i>Number of deaths since 2011</i>
1	19	20	9	21
<b>Total</b>				<b>69</b>

87. Concerning the manner in which the death penalty is carried out, the Prisons Regulation Act No. 26 of 1962 governs prison executions by way of the following articles:

- Article 48: “Persons sentenced to death shall not be permitted to mix with other prisoners.”
- Article 49: “If a woman sentenced to death proves to be pregnant and her foetus is born alive, the sentence must be stayed and the measures prescribed in the Code of Criminal Procedure taken to commute the death penalty to life imprisonment.”
- Article 50: “Death sentences may not be enforced on official feast days or on feast days particular to the religion of the person sentenced.”
- Article 51: “Relatives of the person sentenced to death may visit him on the day before the date set for execution, of which they must be notified by the Prisons Administration.”
- Article 52: “If the religion of the person sentenced to death calls for his confession or for other religious rituals before death, facilities must be provided as far as possible for enabling a priest to see him.”
- Article 53: “The death penalty shall be carried out within the prison or in another enclosed place on the basis of a written request from the Public Prosecutor to the Director of Prisons, which shall include:
  1. The name of the person carrying out the sentence
  2. The manner in which the sentence is to be carried out
  3. The place of execution

## 4. The time of execution”

- Article 54: “The death penalty shall be executed in the presence of the following:
  1. A representative of the Prisons Administration
  2. A member of the Office of the Public Prosecutor
  3. A representative of the Ministry of the Interior
  4. The prison warden
  5. The prison doctor
  6. A doctor representing the Ministry of Public Health
  7. The prison chaplain

No one other than those persons may be present except by special authorization of the Minister of the Interior. The person who defended the convicted person must be permitted to attend, if he so requests.”

- Article 55: “The prison warden shall, in the place of execution and within the hearing of those present, read out the death sentence and the charge of which the sentenced person was convicted. If the sentenced person wishes to make a statement, it shall be transcribed by a member of the Office of the Public Prosecutor.”
- Article 56: “Following execution, the body of the executed person shall be delivered to his relatives, if they so request, and otherwise buried by the Prisons Administration. In any event, the burial must take place with no ceremony.”

#### **Matters raised in paragraph 20 of the list of issues**

88. The State has formed a committee under the Ministry of Foreign Affairs, with a membership comprising representatives of the Office of the Public Prosecutor, the Ministry of the Interior and the Ministry of Health, to receive those released from Guantanamo, arrange for them to be seen by the Department of Health Affairs and enrol them in a rehabilitation programme. At the Salam Centre, which runs a peace programme in partnership with bodies and institutions involved in organizing rehabilitation, reconciliation and psychotherapy programmes, those repatriated from Guantanamo undergo a six-month treatment programme, which includes social and security-related activities.

89. This experiment has proved successful for the released detainees, who now enjoy their place in society as a result of their integration and their response to subsequent programmes.

90. In accordance with article 34 of the Kuwaiti Constitution, “An accused person is innocent until proven guilty in a court of law guaranteeing him the safeguards for exercise of the right of defence. It is prohibited to subject an accused person to mental or bodily harm.”

91. On the basis of information provided by the United States, the Kuwaiti authorities have taken the necessary action to refer all Kuwaiti citizens repatriated by the United States from its Guantanamo detention centre to the Kuwaiti judiciary, which played its part in ensuring the right of those persons to a fair trial and in providing the circumstances for such a trial.

92. The Kuwaiti citizens repatriated from the United States Guantanamo detention centre were brought before the impartial Kuwaiti judiciary, which fulfilled its role as provided for in the Kuwaiti Constitution, with the result that none of those released have thus far been convicted and some have received an acquittal.

**Matters raised in paragraph 21 of the list of issues**

93. No military tribunals have hitherto been constituted in Kuwait and no one at the present time is being detained in the manner described in the recommendation (see the reply to paragraph 27 of the concluding observations of the Human Rights Committee, which is set out in the third periodic report of Kuwait on the International Covenant on Civil and Political Rights, and the second periodic report of Kuwait on the International Covenant on Civil and Political Rights, specifically the comment on article 4 thereof, which refers to courts-martial).

**Matters raised in paragraph 22 of the list of issues**

94. Some cases of inter-prisoner violence occur as a result of fights. These are investigated and the necessary legal action is taken. The number of fights among inmates at the Central Prison amounted to:

- 2 in 2010;
- 6 in 2013;
- 14 in 2014.

95. No cases of violence were recorded at juvenile institutions during the above period owing to the around-the-clock presence of social workers, psychologists and social supervisors and the pursuit of educational and leisure activities. Interaction among the inmates is consequently positive, apart from the few verbal rows that are quickly ended through the intervention of the specialist personnel employed in juvenile care facilities.

96. The Department for Juveniles also runs seminars and courses for juvenile supervisors in order to improve their skills and their capacity for addressing the psychological needs of juveniles and controlling any potential outbreaks of verbal or physical violence. It likewise organizes workshops, trips and activities through which juveniles are able to dissipate negative feelings, making them less likely to engage in violence. The juvenile supervisor reports any incidents of violence to the facility's technical personnel for consideration and analysis. Moreover, article 41 of Ministerial Decision No. 42 of 2004, concerning the statutes of the Department of Juvenile Welfare, prohibits the physical or verbal abuse of inmates and personnel and engagement in acts of violence.

**Matters raised in paragraph 23 of the list of issues**

97. The table below shows prison deaths as from 2011.

<i>No.</i>	<i>Nationality</i>	<i>Number</i>	<i>Cause of death</i>
Deaths at the Central Prison from 2011 to 23 February 2015			
1	Iranian	2	
2	Kuwaiti	10	
3	Lebanese	1	Natural
4	Egyptian	1	
5	Pakistani	2	
6	Sri Lankan	1	
7	Unspecified	1	
Deaths at the Women's Prison from 2011 to 23 February 2015			



<i>No.</i>	<i>Nationality</i>	<i>Number</i>	<i>Cause of death</i>
1	Ethiopian	1	Suicide
2	Nepalese	1	

98. No deaths of juveniles in custody have been recorded.

## Articles 12 and 13

### Matters raised in paragraph 24 of the list of issues

99. It should be said at the outset that the right of legal recourse is guaranteed to all, pursuant to article 166 of the Constitution of the State of Kuwait, which provides that: “The right of legal recourse shall be guaranteed to all. The law shall specify the procedures and conditions for the exercise of this right.” Article 29 of the Constitution further provides that: “All persons have equal human dignity and are equal before the law and in regard to their public rights and obligations, without discrimination among them on grounds of sex, origin, language or religion.”

100. Article 167 affirms these principles, providing as it does that: “The Office of the Public Prosecutor shall have responsibility for bringing prosecutions on behalf of society and for overseeing criminal investigations, the implementation of criminal laws, the prosecution of offenders and the enforcement of sentences. The law shall regulate the Office and its powers and determine the conditions and safeguards for those who discharge its functions. In exceptional cases, the public security agencies may be legally empowered to conduct proceedings in cases involving misdemeanours, in accordance with the terms prescribed by law.”

101. The State of Kuwait, as represented by the Ministry of Justice, also acted promptly to safeguard human rights through creating the Supreme Human Rights Committee, designating its members, establishing its general secretariat and promulgating its rules of procedures, pursuant to Minister of Justice Decision Nos. 104, 169, 360 and 361 of 2008. The Committee was reconstituted under article 1 of Ministry of Justice Decision No. 65 of 2012 and ceased to function pursuant to Ministerial Decision No. 208 of 2014. Decree-Law No. 170 of 2014 concerning the establishment of a human rights bureau has been transmitted to the National Assembly for approval and enactment.

102. The General Department of Monitoring and Inspection, which is part of the Ministry of the Interior, receives complaints relating to abuses of power and ill-treatment (referred to earlier in paragraph 14 of the list of issues relating to article 10).

### Matters raised in paragraph 25 of the list of issues

#### Statistics for 2014 on sanctions applied against members of the police force for abuse of power

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Trial case No.</i>	<i>Decision</i>
1	Captain Warrant officer	Majid Salim al-Dijani Husain Awad al-Mutairi	103/2014	Placed on file owing to expiration of the time limit for action on the breach
2	Corporal	Manahi Nayif al-Ajmi	353/2014	Placed on file for lack of evidence Placed on file owing to expiration of the time limit for action on the breach

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Trial case No.</i>	<i>Decision</i>
3	Chief warrant officer	Hasan Khalid al-Mazin	533/2014	Placed on file owing to expiration of the time limit for action on the breach
4	Second lieutenant	Salim Fahd Batin	893/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
5	Corporal	Walid Khalid al-Hawwal	1143/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
6	Sergeant first class	Athbi Sa`d al-Shammari	1273/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
7	Private first class	Mishari Badr al-Sulih	1303/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
8	Second lieutenant	Abdullah Abdulaziz Ismail	1323/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
9	Sergeant first class	Mishari Fahd al-Harbi	1503/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
10	Captain First lieutenant Second lieutenant Private first class	Sulaiman Abdullah al-Shib Abdulaziz Id al-Anzi Salah Nasir Bursali Abdulaziz Nayif al-Anzi	1630/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
11	Warrant officer Warrant officer	Ahmad Abd Ghadnan al-Shammari Muhammad Nasir Badr Hasan	651/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
12	Chief warrant officer	Ibrahim Fahd Ibrahim al-Husaini	100/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
13	Private first class	Ahmad Isa al-Sayyid Hashim	111/2014	Deduction of three days' pay
14	First lieutenant Private first class	Abdulaziz Ubaid Mash`al al-Anzi Abdulaziz Nayif Bashar al-Anzi	1791/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
15	Lieutenant colonel Chief warrant officer	Nasir Husain Nasir al-Wuhaib Husain Shakir Ghalum Ja`far	421/2014	Investigation papers placed on file owing to expiration of the time limit for action on the breach
16	Captain Chief warrant officer	Faisal Abdullah Salim Abdulahdi Yusuf Mutlaq Salih al-Bathal	1221/2014	Placed on file for lack of evidence
17	Warrant officer	Faisal Muhammad Yunus Ali	1089/2014	Placed on file for lack of evidence
18	Private first class	Abdullah Munis al-Mutairi	1159/2014	Placed on file for lack of evidence
19	Corporal	Abdulaziz Musallam al-Utaibi	1079/2014	Placed on file owing to expiration of

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Trial case No.</i>	<i>Decision</i>
				the time limit for disciplinary investigation
20	Private first class	Abdullah Najib al-Ajiri	989/2014	Placed on file for lack of evidence
21	Private first class	Abdullah Najib al-Ajiri	99/2014	Deduction of one day's pay
22	Corporal	Nasir Hasan al-Mutairi	1329/2014	Caution
23	Private first class	Yusuf Muhammad Ismail	1729/2014	Case still pending disciplinary investigation
24	Lieutenant colonel	Mash`al Abdulwahid Abdulkhaliq al-Faraj	120/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
25	Sergeant first class	Salah Muhammad Rawdan Jawdah	772/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
26	Sergeant first class	Ibrahim Mubarak Hamid al- Anzi	1232/2014	Released from service
27	Private first class	Saif Madi Marda al-Hajri	1332/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
28	Police officer	Majran Jasim Rad al- Shammari	1482/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
29	Private first class Private first class	Muhammad Ali Mirza Amin Muhammad Salim Masfar al- Ajmi	1662/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
30	Colonel	Kurdi Muhammad Darwish al- Khalidi	620/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
31	Sergeant first class	Abdullah Hamd Khalil al- Qattan	652/2014	Investigation papers placed on file on grounds of invalidity
32	Police officer	Yusus Sughair Tullab al- Bathali	812/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
33	Second lieutenant	Abdulaziz Ali Mash`al al-Anzi	992/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
34	Police officer Police officer First lieutenant Police officer	Faisal Hamid Awdah al- Qahtani Basil Muhammad Mash`al al- Adwani Muhammad Haidar Tahir al- Harz Musa`id Khalid Nasir al- Dusari	186/2014	Case still pending disciplinary investigation (follow-up of decisions under way)

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Trial case No.</i>	<i>Decision</i>
35	Warrant officer	Ahmad Abdulaziz Shakir al-Shatti	286/2014	Investigation papers placed on file owing to expiration of the time limit for action on the breach
36	First lieutenant First lieutenant	Abdulrahman Yusuf al-Awadi Sulaiman Mustafa Muhammad	Complaint	Deduction of three days' pay
37	First lieutenant	Dari Walid Hasuni al-Shammari	1236/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
38	Private first class	Ahmad Asal Turki al-Ajmi	1286/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
39	Sergeant first class	Sultan Thamir Muhammad al-Muqihat	1656/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
40	Corporal	Khalid Farhan Hindi al-Anzi	1660/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
41	Police officer	Sa`d Sa`id Batran al-Dusari	1666/2014	Released from service
42	Corporal	Salih Walid Abdulkarim al-Qalushi	485/2014	Placed on file owing to expiration of the time limit for action on the breach
43	Police officer	Abdulaziz Mutlaq Ibrahim	150/2014	Released from service
44	First lieutenant Warrant officer	Abdulaziz Hani Hasan al-Qattan Muhammad Fahd Muhammad Abdullah	225/2014	Placed on file owing to the absence of any offence
45	Warrant officer	Husain Awad Ubaid al-Mutairi	215/2014	Deduction of five days' pay
46	Chief warrant officer	Faisal Sa`ud Dughaim al-Azmi	1335/2014	Placed on file owing to expiration of the time limit for action on the breach
47	Sergeant first class	Fahd Abdulaziz al-Harbi	815/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
48	Lieutenant colonel	Muhammad Sultan al-Sahli	1265/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
49	First lieutenant First lieutenant	Abdullah Khalifah al-Shammari Fawaz Barak al-Nun	145/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
50	Captain Corporal Corporal Corporal Corporal	Ali Hassan al-Durai Jasim Muhammad al-Shatti Nasir Nasim al-Aili Abdullatif Thamir al-Azmi Abdulrahman Anwar al-Ajmi	285/2014	Case still pending disciplinary investigation (follow-up of decisions under way)

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Trial case No.</i>	<i>Decision</i>
51	Police officer	Darman Ubaid Darman al-Ajmi	449/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
52	First lieutenant Warrant officer Warrant officer	Abdullah Abdulsalam al-Fadl Husain Adnan al-Musawi Bandar Salih al-Mutairi	889/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
53	First lieutenant	Nasir Abdullah al-Azmi	1598/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
54	Second lieutenant Police officer	Muhammad Ahmad al-Shu`aylan Zayid Abdullah al-Hajri	1618/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
55	Second lieutenant	Alyan Muhammad al-Ajmi	1158/2014	Case still pending disciplinary investigation (follow-up of decisions under way)
56	Police officer	Muhammad Awwad al-Mutairi	158/2014	Placed on file for lack of evidence
57	Warrant officer	Ismail Abdulhamid Abbas Ali	407/2014	Case still pending investigation
58	Private first class	Muhammad Khalid Mahdi al-Ajmi	477/2014	Case still pending investigation
59	Warrant officer	Badri Abdulaziz Muhsin al-Mutairi	947/2014	Placed on file for lack of evidence
60	Lieutenant colonel Major Major general	Nayif Muhammad al-Utaibi Mazid Bani Dukhail al-Mutairi Turki Rashid Abdullah al-Hindi	317/2014	Placed on file on grounds of frivolity
61	Private first class	Mansur Fahd al-Mutairi	1573/2014	Case still pending investigation

103. Concerning the perpetrators of the murder of Mohamed al-Maymuni, they are serving their sentences in the Central Prison. In Appeal No. 758/2012, criminal/2, the Court of Cassation handed down penalties, ranging from death to imprisonment and a fine, to those accused of torturing Mohamed Ghazi al-Maymuni al-Matiri to death. On 18 December 2014, the court of first instance also ordered the Ministry of the Interior to pay the sum of 530,000 Kuwaiti dinars (KD) (US\$ 1.8 million) to the beneficiaries of the deceased Mohamed Ghazi al-Maymuni al-Matiri in moral and financial compensation, the criminal court having referred their request for interim compensation to the competent civil court.

104. As to Nasser Abul, he was prosecuted by the State security agency on charges of spreading false information and demeaning a religious denomination. On 2 February 2011, the case was referred to the Office of the Public Prosecutor, which conducted an investigation, and it was then referred to the judiciary. A first-instance ruling sentencing him to three months of imprisonment with labour on the count of demeaning a religious denomination was upheld by the Court of Appeal, which conversely acquitted him on the count of spreading false information.

**Matters raised in paragraph 26 of the list of issues**

105. Reference can be made to the reply to matters raised in paragraph 21 of the list of issues (para. 93 above) and to information previously provided concerning implementation of the International Covenant on Civil and Political Rights (CCPR/CO/69/KWT) and the International Covenant on Economic, Social and Cultural Rights (E/CN/4/2000/64).

106. With respect to updated information on the progress made in clarifying cases of detained and disappeared persons following the 1991 war, the Iraqi regime denied the existence of any prisoners of war or disappeared persons in Iraq following Kuwait's liberation, in 1991, from the stranglehold of Iraqi aggression. Kuwait therefore focused its efforts on devising an effective means of compelling the Iraqi regime at that time to come to the negotiating table, which culminated in the establishment of the Tripartite Commission, chaired by ICRC and comprising all of the coalition States (the United States of America, the United Kingdom, the French Republic, the Kingdom of Saudi Arabia and the State of Kuwait) and Iraq.

107. The State of Kuwait thus prepared files of listed prisoners of war and disappeared persons, substantiated by witness testimonies, and presented them to ICRC, as well as to international and regional human rights organizations, the United Nations Security Council and the League of Arab States, as evidence of the existence of prisoners of war and disappeared persons in Iraqi jails.

108. The constant efforts undertaken by Kuwait in conjunction with committee-level work led to the adoption of Security Council resolution 1284 (1999), which is one of the most important resolutions relating to prisoners and disappeared persons from Kuwait in that it established Security Council monitoring of the case.

109. After the fall of the Iraqi regime in 2003, the State of Kuwait pursued its efforts in search of prisoners of war and disappeared persons, in cooperation with the coalition authorities and ICRC, and sent teams to exhume the remains from various burial sites. In all, 328 remains were found and tested as part of a project for building a health dossier on the basis of genetic and hereditary factors, in particular deoxyribonucleic acid (DNA), which was established by the National Committee for the Affairs of Prisoners of War and Missing Persons in anticipation of such circumstances. As a result, 232 remains were identified in 2004 and the fate of 232 prisoners of war was consequently determined.

110. Despite the efforts ceaselessly pursued by Kuwait from the time of the liberation until now, there have been no new identifications of prisoners of war and disappeared persons from Kuwait since 2004. The endeavour continues, however, through the Tripartite Commission, which has thus far held 39 meetings, and its Technical Subcommittee, which has thus far held 88 meetings, the most recent of which took place on 14 January 2015. ICRC chairs the meetings of both bodies, with the United States of America, the United Kingdom, the French Republic, the Kingdom of Saudi Arabia and the State of Kuwait participating as members. The Tripartite Commission recently consented to the participation of the United Nations Assistance Mission in Iraq (UNAMI) in the meetings of the two bodies as an observer.

**Article 14****Matters raised in paragraph 27 of the list of issues**

111. The Kuwaiti legal system affords to every person the opportunity to seek reparation through the courts for damage caused by an offence, in accordance with article 11 of the Code of Criminal Procedure (Act No. 17/1960), which provides that: "Any person who sustains injury caused by an offence may bring a civil claim before the courts hearing the

criminal case at any stage of the proceedings up until the completion of pleadings. A civil claimant may also submit his claim to the investigator in the course of the preliminary investigation, during which he shall be treated as a plaintiff.” Reference has already been made to the sum of KD 530,000 Kuwaiti (US\$ 1.8 million) awarded as moral and financial compensation to the family of Mohamed Ghazi al-Maymuni al-Matiri.

## **Article 15**

### **Matters raised in paragraph 28 of the list of issues**

112. The State affirms that it is fully prepared to cooperate with the Committee in providing any information relating to a specific case after it has been furnished with particulars enabling the competent authorities to supply precise details.

## **Article 16**

### **Matters raised in paragraph 29 of the list of issues**

113. We wish to emphasize on this subject that we do not use the term “migrant workers”, as the workers referred to are more precisely expatriates who are temporarily employed until expiration of the contract concluded with their employers. Furthermore, nowhere in the Labour Code (Act No. 6/2010) do the terms “sponsorship” or “sponsor” appear.

114. The system of work visas tying expatriate workers to their employer is currently the one applied by the Ministry of the Interior and the Public Authority for Labour. The aim of the system is to ensure the public interest insofar as a database of expatriate workers helps in identifying their status and maintaining the composition of the population.

115. The following practical measures have been taken to relax the tie between workers and employers:

1. The Public Authority for Labour Act No. 109 of 2013 provides as follows in the final paragraph of article 3: “The Authority shall have the exclusive authority to recruit expatriate workers in the private and petroleum sectors, on the basis of a request from the employer providing details of the workers to be recruited. The Ministry shall promulgate decisions setting out the prescribed measures, documents and fees.”

2. Article 57 of Act No. 6/2010 requires employers to transfer workers’ salaries into a bank account;

3. Ministerial Decision No. 194/Ain of 2010 (annexed hereto) prohibits the withholding of passports belonging to workers in the private and petroleum sectors;

4. Ministerial Decision No. 201/Ain of 2011 (annexed hereto) criminalizes forced labour;

5. Ministerial Decision No. 192/Ain of 2010 (annexed hereto) established a hotline for receiving workers’ complaints and information on human trafficking;

6. The means of protection prescribed by law for workers include the right of legal recourse for claiming their labour rights, with article 144 of the Act stating that the related proceedings are fee-exempt and, furthermore, that they must be summary in nature.

116. The competent entity at the Ministry of the Interior (the General Department for Residence Affairs) receives all complaints submitted by injured parties and refers them to the relevant authorities. In case No. 7/2011 (Naqrah Criminal Court), a citizen running an office for the recruitment of domestic workers was referred in this manner on a charge of

denying liberty to and engaging in forced sexual intercourse with various female domestic servants.

**Matters raised in paragraph 30 of the list of issues**

117. We hereby assert that there have been no incidents of misconduct or abuse on the part of the security forces. On the contrary, the special forces who joined in providing security at the time in question were subjected to unlawful criminal acts. Indeed, the crowds who came out to demonstrate had no authorization from the competent State authorities to stage such protests.

118. The protests took a dangerous turn, accompanied as they were by acts of violence and attacks on the security forces, the destruction of public and private property, and the intimidation of residents in the vicinity. Roads were also blocked, traffic was obstructed and normal trading was brought to a standstill.

119. Several members of the security forces furthermore sustained multiple injuries from dealing with the crowd, while equipment belonging to the special forces was substantially damaged by the obstacles, barriers, sharp implements, fireworks and projectiles used by protestors, who also set alight public and private property in the path of the forces as they advanced to disperse the gathering and restore security to the area.

120. The individuals referred to are officially designated as illegal residents pursuant to Royal Decree No. 467 of 2010 establishing the Central Agency for Regularization of the Status of Illegal Residents.

121. The State of Kuwait has nonetheless taken care to provide decent means of support for all those domiciled in its territory, whether citizens, expatriates or illegal residents. Indeed, Council of Ministers Decision No. 409/2011 accords the following civil, social and humanitarian benefits to illegal residents, as follows:

1. Access to full medical treatment, free of charge;
2. Access to a full education, free of charge;
3. Issuance of birth certificates;
4. Issuance of death certificates;
5. Issuance of marriage certificates;
6. Issuance of divorce certificates;
7. Issuance of wills and inheritance documents;
8. Provision of a ration card;
9. Access to employment in the public and private sectors;
10. Issuance of driving licences;
11. Access to care for persons with disabilities.

122. With respect to whether the State of Kuwait intends to ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961, Kuwait is not concerned with these two Conventions insofar as the meaning of a stateless person under the Convention of 1954 is a person who is not considered as a national by any State under the operation of its law. As has already been stated, this does not apply to illegal residents who came to the country and subsequently



**Illustrative table of humanitarian and civil benefits and facilities provided to illegal residents in accordance with Council of Ministers Decision No. 409/2011, together with relevant statistics**

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
1. Medical treatment	<ul style="list-style-type: none"> <li>• Since the establishment of the Central Agency on 9 November 2010, the Kuwaiti Government has borne the full costs of the medical treatment of illegal residents. This service, for which a fee was formerly charged, is provided free of charge at all government health centres and hospitals</li> <li>• The Charitable Health Care Fund, established pursuant to Decision No. 855/2003, covers all the costs of health care, including radiography, surgical procedures, laboratory analyses, medication and fitting of prostheses, for needy persons</li> <li>• Female illegal residents receive full therapeutic services on an equal footing with men, in addition to maternity and female health care benefits</li> <li>• The Ministry of Health has decided to provide treatment free of charge for all children, including illegal residents, in the State of Kuwait</li> </ul>	<ul style="list-style-type: none"> <li>• From September 2003 to the end of 2012, a total of 56,547 persons benefited from the Charitable Health Care Fund at a cost of KD 3,812,107, equivalent to US\$ 8,231,520.2</li> <li>• In 2012, the number of cases of communicable diseases among illegal residents that were recorded and reported by the Ministry of Health and in respect of which preventive measures were taken and vaccinations and medication administered amounted to: <ul style="list-style-type: none"> <li>(a) 242 females</li> <li>(b) 342 males</li> </ul> </li> </ul>
2. Education	<ul style="list-style-type: none"> <li>• The Charitable Fund for the Education of Needy Children, established pursuant to Council of Ministers Decision No. 855/2003 and subsidized by the Government, covers all types of academic expenses</li> <li>• Illegally resident students receive the same standard of education and follow the same curricula as Kuwaiti students</li> </ul>	<ul style="list-style-type: none"> <li>• In the academic year 2011/12, a total of 13,533 male and female students were receiving education at a cost of KD 3,589,000, equivalent to US\$ 7,749,763.06</li> <li>• In the academic year 2012/13, a total of 14,250 male and female students were receiving education at a cost of KD 4,137,435, equivalent to US\$ 8,934,004.16</li> </ul>

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
	<ul style="list-style-type: none"> <li>The State gives illegal residents an opportunity to continue their education at university, as their studies are no longer confined to preparatory education and they are allocated places in the various university faculties in accordance with the procedures, rules and conditions for admission thereto</li> <li>A student welfare programme has been set up to help to ease the burden on needy students by providing them with assistance and covering their academic fees</li> <li>They have an opportunity to enrol in private universities subject to payment of the academic fees and fulfilment of the requirements laid down in the regulations of those universities</li> <li>An arrangement has been made with the Public Authority for Applied Education and Training under which they are permitted to study in the Authority's colleges</li> <li>On the instructions of His Highness the Amir, all high-performing children of illegal residents were admitted to university in the academic year 2012/13</li> <li>Male and female students have equal access to preparatory and university education services. The sole requirement for admission to university faculties is fulfilment of the conditions of admission and attainment of the requisite grades</li> <li>Children of illegal residents receive the full range of education services, all the costs of which (uniforms, books and other educational materials) are borne by the Charitable Fund for the Education of Needy Children</li> </ul>	<ul style="list-style-type: none"> <li>In the academic year 2013/14, a total of 14,910 male and female students were receiving education at a cost of KD 4,453,566, equivalent to US\$ 9,616,628.94</li> <li>From the introduction of the student welfare programme in 2007 up to the academic year 2013/14, a total of 1,063 male and female students have benefited therefrom at a cost of KD 420,078, equivalent to US\$ 907,078.56</li> <li>In the academic year 2013/14, 50 students were admitted to colleges on grants from the Director General of the Public Authority for Applied Education and Training</li> <li>In the academic year 2014/15, a total of 15,105 male and female students were receiving education at a cost of KD 4,711,093, equivalent to US\$ 10,172,709.53</li> <li>In the academic year 2014/15, 50 students were admitted to colleges on grants from the Director General of the Public Authority for Applied Education and Training</li> <li>From the academic year 2011/12 up to the academic year 2014/15, a total of 5,758 male and female students were enrolled in the first, second and summer semesters at Kuwait University</li> </ul>

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
3. Civil registration, including:	<ul style="list-style-type: none"> <li>The State recognizes the inalienable right of all persons residing in its territory to apply for all types of civil registration. No one is prevented from obtaining such registration, as it is regarded as a means by which the State protects the family</li> </ul>	<ul style="list-style-type: none"> <li>Birth certificates: from 2011 to August 2014, a total of 23,247 certificates were issued</li> </ul>
<ul style="list-style-type: none"> <li>Birth certificates</li> </ul>	<ul style="list-style-type: none"> <li>Birth and death certificates are issued in accordance with Act No. 36/1969 regulating the registration of births and deaths</li> </ul>	<ul style="list-style-type: none"> <li>Death certificates: from 2011 to March 2014, a total of 1,105 certificates were issued</li> </ul>
<ul style="list-style-type: none"> <li>Death certificates</li> </ul>	<ul style="list-style-type: none"> <li>Marriage-related documents are drawn up, notarized and certified in the manner prescribed by Ministerial Decision No. 142/2002, concerning the reorganization of the administration, and by the official directives and circulars regulating its work</li> </ul>	<ul style="list-style-type: none"> <li>Marriage contracts: from 2011 to August 2014, a total of 6,256 marriage contracts were issued</li> </ul>
<ul style="list-style-type: none"> <li>Wills and inheritance documents</li> </ul>	<ul style="list-style-type: none"> <li>The procedures for the issuance of registration documents to illegal residents were facilitated by Council of Ministers Decision No. 409/2011 in accordance with which the expression “non-Kuwaiti”, instead of the original nationality, is entered such documents</li> </ul>	<ul style="list-style-type: none"> <li>Divorce certificates: from 2011 to July 2014, a total of 6,256 divorce certificates were issued</li> </ul>
<ul style="list-style-type: none"> <li>Marriage certificates</li> </ul>	<ul style="list-style-type: none"> <li>The facilities approved by the Government led to an increase in the number of documents received by illegal residents, who had previously refused to receive them</li> </ul>	<ul style="list-style-type: none"> <li>Identity documents: from 2011 to July 2014, a total of 77 documents were issued</li> </ul>
<ul style="list-style-type: none"> <li>Divorce certificates</li> </ul>		<ul style="list-style-type: none"> <li>Certificates of succession: in 2012, a total of 315 certificates of succession were issued and, from January 2014 to July 2014, a total of 84 certificates designating heirs were issued</li> <li>Official notifications: 15,416 official notifications were issued in 2012, as compared with 7,326 from January 2014 up to July 2014</li> <li>General powers of attorney: 1,427 general powers of attorney were issued in 2012</li> <li>Special powers of attorney: 3,603 special powers of attorney were issued in 2012</li> <li>Property conveyance: 17 transactions</li> <li>Conveyance by gift of the State: 10 transactions</li> </ul>

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
		<ul style="list-style-type: none"> <li>• Shares in the estate of deceased Kuwaiti relatives: 4 shares</li> <li>• Notarial acts: 4,240 certifications and 1,309 attestations (powers of attorney and affidavits) in 2013</li> <li>• Prenuptial medical examination certificates: 79 certificates were issued during the first three months of 2014</li> </ul>
4. Issuance of driving licences	<ul style="list-style-type: none"> <li>• The requirements for the issuance of driving licences are specified in article 85 of the implementing regulations of the Traffic Act (Ministerial Decision No. 1729/2005), as amended by Decision No. 393/2013 (“Some categories, including illegal residents holding valid identity cards issued by the Central Agency for the Regularization of the Status of Illegal Residents, are exempt from these requirements”)</li> <li>• Driving licences are issued, without impediment, to all illegal residents over 18 years of age who pass the oral and practical tests</li> <li>• There is no gender-based discrimination in regard to the issuance of driving licences, the important criterion being the statutory conditions therefor</li> </ul>	<ul style="list-style-type: none"> <li>• Driving licences: 2,046 licences were issued in 2012 and 32,039 during the period from January 2013 to mid-March 2014</li> <li>• Vehicle registrations, renewals and transfers of ownership: 3,186 certificates were issued in 2012</li> </ul>
5. Employment	<ul style="list-style-type: none"> <li>• With regard to employment in the public sector, the Civil Service Commission has agreed to accept applications by illegal residents to fill vacant posts in government ministries</li> <li>• With regard to employment in the private sector, a website has been set up in collaboration with the Kuwait Chamber of Commerce and Industry and the Ministry of Social Affairs and Labour so that job applicants can be distributed in the private sector in accordance with the available vacancies</li> </ul>	<ul style="list-style-type: none"> <li>• The number employed in the civil service up to March 2014 amounted to 1,419 (males and females), distributed as follows: <ol style="list-style-type: none"> <li>1. 747 in the Ministry of Health</li> <li>2. 374 in the Ministry of Education and Higher Education</li> <li>3. 67 in the Ministry of Awqaf and Islamic Affairs</li> <li>4. 25 in the Ministry of Public Works</li> </ol> </li> </ul>

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
	<ul style="list-style-type: none"> <li>The salaries paid to illegal residents in the public sector are determined on the basis of those to which the applicant would be entitled if he were appointed in accordance with the Civil Service Act and its implementing regulations and also in the light of the type of post that he occupies. There is no discrimination in favour of civil servants who are legal residents. Remuneration in the private sector is determined by the contract signed between the two parties</li> <li>Employment in the cooperative sector is coordinated with the Union of Consumer Cooperative Societies so that job opportunities can be provided for illegal residents</li> <li>Men and women enjoy equal employment opportunities without any discrimination between them</li> <li>The Government is combating by all available legal means the phenomenon of economic exploitation of children by their illegally resident relatives in view of its adverse effect on their education</li> </ul>	<ol style="list-style-type: none"> <li>20 in the Ministry of Electricity and Water</li> <li>72 in the Public Authority for Industry</li> <li>65 in the Public Authority for Youth and Sports</li> <li>The others were distributed among various government ministries</li> <li>The number employed in cooperative societies up to June 2014 amounted to 630</li> </ol>
6. Issuance of ration cards	<ul style="list-style-type: none"> <li>The Government subsidizes basic consumer foodstuffs through the issuance of ration cards to illegal residents</li> <li>Ration cards cover basic foodstuffs such as rice, sugar, cooking oil, infant formula, chicken, cheese, lentils and tomato paste</li> </ul>	<ul style="list-style-type: none"> <li>98,384 persons have benefited from this scheme at a cost of KD 526,699, equivalent to US\$ 1,510,493.38</li> </ul>
7. Care of persons with disabilities	<ul style="list-style-type: none"> <li>Illegal residents with disabilities enjoy the services rendered by the Supreme Council for the Disabled to persons covered by article 1, paragraph 2, of Act No. 8/2010 concerning the rights of persons with disabilities ("The provisions of this Act apply to persons with disabilities who are Kuwaitis, or children born to Kuwaiti women married to non-Kuwaitis, within the limits of the health and educational care and occupational rights specified herein"). Those to whom the preceding article does not apply are referred to the Patient Assistance Fund and Bait al-Zakat</li> </ul>	<ul style="list-style-type: none"> <li>1,871 illegal residents are benefiting from the services of the Public Authority for the Affairs of the Disabled</li> </ul>

<i>Benefit</i>	<i>The facts</i>	<i>Statistics</i>
	<ul style="list-style-type: none"> <li>• Endeavours are being made in coordination with the Public Authority for the Affairs of the Disabled to implement the provisions of article 2, paragraph 2, of Act No 8/2010 (“The Authority may decide to apply some of the provisions of this Act to non-Kuwaitis with disabilities under rules and conditions that it deems appropriate and subject to approval by the Supreme Council for the Disabled”) so that illegal residents can benefit from these provisions</li> <li>• Pending approval of the above proposal, the Public Authority for the Affairs of the Disabled is providing the following services for illegal residents with disabilities: <ol style="list-style-type: none"> <li>1. Issuance of official disability certificates recognized by the government authorities</li> <li>2. Issuance of official letters addressed to Bait al-Zakat and the Patient Assistance Fund requesting the provision of services by these bodies</li> <li>3. Supply of special vehicle licence plates</li> <li>4. Payment of a disability allowance, equivalent to that received by the children of Kuwaiti citizens, to the illegally resident disabled children of military and police personnel</li> <li>5. Payment of a full education grant to the disabled children of Kuwaiti mothers</li> <li>6. Illegally resident disabled women married to Kuwaitis, and divorcees or widows who have a disabled Kuwaiti child by a Kuwaiti husband, are paid a monthly allowance of KD 300</li> <li>7. Kuwaiti mothers with a disabled child are issued with a certificate entitling them to reduced working hours</li> <li>8. Exemption from residence permit fees</li> </ol> </li> <li>• Services for persons with disabilities are not confined to those provided by the Authority, as various government ministries also provide services for this category. The Ministry of Education and Higher Education organizes classes for persons with special needs in private schools and also enrolls such persons in government schools</li> </ul>	<ul style="list-style-type: none"> <li>• In 2013, a total of 36 male and female students with disabilities were enrolled in classes for persons with special needs in private schools</li> <li>• In the academic year 2009/10, a total of 87 male and female students with disabilities were enrolled in government schools</li> <li>• 91 male and female students were enrolled in the academic year 2010/11</li> <li>• 91 persons with disabilities have benefited from the services provided by the residential centres</li> </ul>

**Services provided to illegal residents in addition to those provided in Council of Ministers Decision No. 409/2011**

<i>Benefits</i>	<i>The facts</i>	<i>Statistics</i>
1. Housing welfare	<ul style="list-style-type: none"> <li>The Housing Welfare Act No. 45 of 2007 made provision for the establishment of a low-cost housing project which has been put out to tender</li> <li>Illegal residents holding military rank in the army and the police enjoy the rights stipulated in the Social Insurance Act</li> </ul>	<ul style="list-style-type: none"> <li>Illegal residents are accommodated in 4,800 housing units</li> <li>The cost of the housing allowances paid to homeless persons amounts to around KD 2 million, equivalent to US\$ 4,318,619.7</li> </ul>
2. Social services	<ul style="list-style-type: none"> <li>In addition to the pensions that it pays to Kuwaiti citizens, the Public Institution for Social Insurance also pays retirement pensions to illegally resident military personnel</li> </ul>	<ul style="list-style-type: none"> <li>921 retirement pensions have been paid</li> </ul>
(a) Social insurance: Payment of retirement pensions		
(b) Residential services in social welfare institutions	<ul style="list-style-type: none"> <li>The residential centres run by the Ministry of Social Affairs and Labour provide services for the following categories:               <ol style="list-style-type: none"> <li>Juveniles</li> <li>Older persons benefiting from mobile care services</li> <li>Persons with disabilities</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>In 2012/13, these centres provided services for 229 juveniles, 173 older persons and 89 persons with disabilities</li> </ul>
(c) Contact with civil society institutions	<ul style="list-style-type: none"> <li>Contact is maintained with numerous public benefit institutions, such as the Women's Cultural Association, the Kuwait Association for Student Assistance, the Kuwait Bar Association, the Kuwait Red Crescent Society, the Kuwait Society for Human Rights and the Kuwait Association for the Care of Persons with Disabilities, which are collaborating with the State in this regard</li> </ul>	
3. Right to seek legal redress	<ul style="list-style-type: none"> <li>Illegal residents are entitled to apply to the Kuwaiti courts for legal redress and there is no discrimination between them and citizens in this respect. Many of them furthermore bring proceedings in Kuwaiti courts against official government bodies and judgements thereon are handed down in a fully impartial manner</li> </ul>	<ul style="list-style-type: none"> <li>182 convicted illegal residents were covered by the Amiri amnesty in 2013</li> </ul>

Benefits	The facts	Statistics
4. Expression of opinion through the media and peaceful assembly	<ul style="list-style-type: none"> <li>• Notwithstanding the fairness and integrity of the Kuwaiti courts and the impartiality of their judgements, the State shows due regard for the special humanitarian situation of illegal residents and, in conformity with the rules and conditions of the Amiri amnesties for prisoners in 2013 and 2014, all convicted illegal residents were exempted from enforcement of the penalty of judicial deportation</li> <li>• Illegal residents have the right to express their opinion through the various audiovisual and print media and, in this regard, are subject to no restrictions other than those prescribed by law</li> <li>• As peaceful assembly is a form of expression of opinion, Kuwaiti law does not discriminate in this regard. Hence, illegal residents enjoy the right of peaceful assembly to express their views, provided that they observe the rule of law</li> <li>• Illegally resident children enjoy the same guaranteed right and have attended peaceful gatherings and demonstrations under the protection of the security forces, in addition to participating in a number of organized campaigns to express their views</li> </ul>	<ul style="list-style-type: none"> <li>• During the period from 1 November 2010 to 1 March 2013, they were issued with 43,142 passports in accordance with article 17 of the Kuwaiti Passports Act</li> </ul>
5 Issuance of passports in accordance with article 17	<ul style="list-style-type: none"> <li>• Illegal residents are issued with passports in accordance with article 17 of the Passports Act No. 11 of 1962 in order to perform the <i>haji</i> or the <i>umrah</i> pilgrimages or to study or receive medical treatment abroad</li> </ul>	<ul style="list-style-type: none"> <li>• During the period from 1 November 2010 to 1 March 2013, they were issued with 43,142 passports in accordance with article 17 of the Kuwaiti Passports Act</li> </ul>
6. Social solidarity Services of Bait al-Zakat	<ul style="list-style-type: none"> <li>• Bait al-Zakat provides the following services: <ol style="list-style-type: none"> <li>1. Payment of the costs of genetic screening</li> <li>2. Provision of financial assistance</li> <li>3. Provision of in-kind assistance: foodstuffs, clothing, blankets, furniture, electrical appliances and school satchels</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Genetic screening costs: <ol style="list-style-type: none"> <li>1. A total of KD 627,000, equivalent to US\$ 1,353,887.27, has been paid for the genetic screening of 7,382 persons</li> <li>• In 2013, the cost amounted to KD 814,300, equivalent to US\$ 1,758,236.01, for 9,580 persons</li> </ol> </li> <li>• The cost of financial assistance amounted to: <ol style="list-style-type: none"> <li>1. KD 13,606,474, equivalent to US\$ 47,032,645.69, for 62,590 persons in 2012</li> </ol> </li> </ul>



<i>Benefits</i>	<i>The facts</i>	<i>Statistics</i>
(b) The Social Assistance Decree	4. Issuance of health insurance cards to persons not holding the Central Agency's ID cards	2. KD 13,086,465, equivalent to US\$ 28,258,732.81, for 13,434 families, comprising 64,949 members, in 2013
	<ul style="list-style-type: none"> <li>Implementation of a project for the rehabilitation of persons from needy families who are able to work, including illegal residents, in collaboration with the Patient Assistance Fund</li> <li>The Financial Assistance Act No. 12 of 2011 amended Legislative Decree No. 22 of 1987 by adding new categories entitled to assistance, including Kuwaiti women married to non-Kuwaitis, thereby explicitly acknowledging that Kuwaiti women married to illegal residents also have an established right to such assistance</li> </ul>	<p>3. KD 6.73 million, equivalent to US\$ 23,266,420.74, for 13,414 families from January 2014 to July 2014</p> <ul style="list-style-type: none"> <li>In-kind assistance: <ul style="list-style-type: none"> <li>1. The cost of this assistance, received by 37,947 persons, amounted to KD 1,052,410, equivalent to US\$ 2,272,479.28, in 2012</li> <li>2. 4,115 families, comprising 28,805 persons, benefited therefrom in 2013</li> <li>3. From 2007 to 2014, the cost amounted to KD 69,880, equivalent to US\$ 150,092.75, for 5,357 families</li> </ul> </li> <li>135 individuals have benefited from the project for the rehabilitation of persons able to work at a cost of KD 158,300, equivalent to US\$ 341,818.74</li> </ul>
7. Regularization of status	<ul style="list-style-type: none"> <li>Two bodies (the Mubarak al-Kabir Centre and the Department of Immigration Investigation) have been designated to receive illegal residents wishing to regularize their status</li> <li>Although illegal residents are considered to be in breach of the Kuwaiti Residence of Aliens Act No. 17 of 1959, the procedures for the regularization of their status are facilitated and they are not liable to any legal penalty in respect of such breach</li> <li>In fact, the Central Agency continues to grant them humanitarian and civil benefits as an encouragement even though they are no longer classed as illegal residents</li> </ul>	<ul style="list-style-type: none"> <li>Up to September 2014, a total of 6,185 persons have regularized their status</li> </ul>

<i>No.</i>	<i>Category</i>	<i>Number</i>			
1	Naturalization applications	2012	First batch	31 January 2012	Children of Kuwaiti divorced women and widows
			Second batch	27 March 2012	Children of Kuwaiti divorced women and widows
			Third batch	6 August 2012	Children of Kuwaiti divorced women and widows
		2012	<ul style="list-style-type: none"> <li>• Five Amiri decrees on naturalization were promulgated, including in respect of names submitted by the Central Agency:               <ol style="list-style-type: none"> <li>1. Decree No. 14 of 5 February 2012 (art. 5, para. 2)</li> <li>2. Decree No. 58 of 2 April 2012 (art. 7 bis)</li> <li>3. Decree No. 59 of 2 April 2012 (art. 5, para. 2)</li> <li>4. Decree No. 83 of 25 April 2012 (art. 7 bis)</li> <li>5. Decree No. 84 of 25 April 2012 (art. 5, para. 2)</li> </ol> </li> </ul>		
		May 2013	<ul style="list-style-type: none"> <li>• The Central Agency submitted a new batch of applications from:               <ol style="list-style-type: none"> <li>1. Persons whose Kuwaiti relatives were included in the census of 1965</li> <li>2. Persons resident in the country since 1960 or earlier</li> <li>3. Persons holding higher certificates of education</li> </ol> <p>No naturalization decrees were promulgated during this year, however, owing to the volatility of the political situation at the time, which was related to the dissolution of the National Assembly</p> </li> </ul>		

### **Matters raised in paragraph 31 of the list of issues**

123. Same-sex acts are essentially violations of religion and the law, as they are unequivocally prohibited by Islamic shariah and by the other monotheistic religions. Article 198 of the Criminal Code (Act No. 16 of 1960) also provides that: “Any person who, in a public place, performs an indecent gesture or act that is visible or audible to anyone in the vicinity, or who in any way imitates the appearance of a member of the opposite sex, shall be liable to a penalty of imprisonment for a term of up to one year and/or a fine of up to 1,000 dinars.”

124. Such acts are criminalized and prohibited for a number of reasons, including the fact that:

- They are expressly in conflict with the teachings of Islam and with Kuwaiti law and are reprehensible and unacceptable;
- They are at odds with the rational and healthy human instinct;
- They leave profound psychological effects and changes;

- They affect social and moral traditions and customs, disturbing the value-based social order;
- They may cause physical diseases affecting health.

125. Psychotherapies are available, however, to anyone in these circumstances.

126. There are, moreover, no instances of complaints submitted to the Prisons Administration by persons in this category, who are housed in separate accommodation for their own protection.

### **Matters raised in paragraph 32 of the list of issues**

127. Corporal punishment and other inappropriate and inhuman methods of punishment are also categorically outlawed as being incompatible with the notion of a sound physical and mental education. Awareness programmes are therefore constantly being targeted at all those involved in children's education, such as families, schools and so forth, through the media, places of worship, conferences and discussion groups.

128. The statutes of the Ministry of Education provide that all forms of punishment are unlawful, providing as they do in the general rules contained in the preamble that:

- Corporal punishment, offensive language and humiliation must be altogether avoided in favour of a calm, unemotional and relaxed approach;
- Sanctions must be imposed in a fair and equal manner, without giving in to suspicions, by ascertaining and investigating the facts;
- Sanctions must be considered in the context of a sound educational framework designed to achieve the goals of prevention, correction and treatment;
- Sanctions must relate entirely to the undesirable behaviour and the pupil must be unequivocally aware of the reason for a sanction;
- The party determining the sanction and the pupil must be bound by the sanction and the pupil's guardian must be notified.

129. The Ministry of Education also issues guidelines periodically or when complaints are made about corporal or other punishments, one example being: "Ministry rules issued in this sphere, in particular school statutes, must be observed. It shall be communicated to all school personnel that no punishment of any kind is to be used against pupils and that punishment must be replaced by sound educational methods that build self-confidence and self-reliance." In the event that a pupil is subjected to punishment of any kind that affects his personality or academic performance, his case is reviewed by a school psychologist and social worker and an immediate treatment plan is put into action in order to restore his mental and social balance.

130. In addition to the above, the criminal legislation in Kuwait makes no reference to the use of any corporal punishment, apart from the death penalty, which is derived from Islamic shariah, the main source of the country's regulations and laws. The law also prohibits the use of violence against children in the home, setting exemplary punishments for anyone who engages in such violence or who places children at risk, as stated in articles 166, 167 and 168 of the Criminal Code (Act No. 16 of 1960). In the case of penal institutions, the Prisons Regulation Act No. 26 of 1962 prohibits the corporal punishment of prisoners other than for breaches of the prison regulations. Strict controls are placed on these punishments.

131. The juvenile authorities are also subject to monitoring and any of their personnel who violates the rights of minors or uses corporal punishment is liable to disciplinary action, which may include referral to the judicial authorities.

132. In accordance with the relevant procedural rules and regulations, the sanctions in place for breaches or misconduct do not include corporal punishment and guarantee humane treatment for all those in the custody of a juvenile care facility.

(Section VII of Ministerial Decision No. 42 of 2004 on the rights and duties of prisoners is annexed hereto)

133. The Rights of the Child Act No. 21 of 2015 provides in article 3 for the protection of children from all forms of violence, harm and physical, mental or sexual abuse, including neglect, failure of care and other forms of ill-treatment or exploitation. Persons with disabilities are protected from violence under section VII, article 19, of the statutes of the Department for the Welfare of Persons with Disabilities and its social care homes, pursuant to which the technical personnel working with such persons are under obligation to preserve the dignity of inmates, who must not be derided, mocked or employed in menial tasks.

134. With respect to the protection of juveniles from violence, the Statutes No. 42 of 2004 stipulate that juveniles have the right not to be subjected to mental or physical harm and to be treated fairly and humanely, without discrimination on grounds of nationality, colour, religion or confession. The implementing regulations of the Private Kindergartens Act No. 22 of 2014 also provide in section VIII, article 30, that: "It is prohibited for licensees to subject children of any age to any form of beating or violence."

## **Other matters**

### **Matters raised in paragraph 33 of the list of issues**

135. The State of Kuwait is content with its accession to the Convention against Torture and with the related provisions incorporated into its constitutional and legal system, especially as, pursuant to article 30 of the Optional Protocol to the Convention, no State may make reservations thereto. Kuwait will not therefore consent to be bound by the Protocol.

### **Matters raised in paragraph 34 of the list of issues**

136. The article to which reference is made concerns the areas of competence of the Committee against Torture, which include making inquiries and, in the event that the Committee receives information containing well-founded information that torture is being systematically practised, visiting the territory of the State party concerned. This undermines the sovereignty and independence of the State and constitutes interference in its internal affairs. The reservation to article 20 will not therefore be withdrawn, as the domestic regulations and laws in place in the State of Kuwait are sufficient to deal with such matters.

### **Matters raised in paragraph 35 of the list of issues**

137. Article 20 of the Convention addresses the right of the Committee against Torture to seek the cooperation of the State Party in examining information provided to the Committee if there is well-founded evidence pointing to the practice of torture in the territory of the State concerned.

138. Articles 21 and 22 of the Convention explicitly state that a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications submitted by States or individuals claiming that another State Party is not fulfilling its obligations under the Convention.

139. The reservation made by the State of Kuwait is directly related to the terms of reference, functions and powers of the Committee against Torture, as spelled out in article 20 of the Convention. It is therefore illogical for Kuwait to make the declaration provided for under articles 21 and 22, as they are inextricably linked to article 20.

**Matters raised in paragraph 36 of the list of issues**

140. The Kuwaiti legislature has not overlooked terrorism offences insofar as the country has legislation and laws in place for dealing with matters of terrorism, specifically:

- Act No. 31 of 1970 amending provisions of the Kuwaiti Criminal Code (Act No. 16 of 1960) concerning offences against the external and internal security of the State;
- The Money-Laundering and Financing of Terrorism Act No. 106 of 2013;
- Ministerial Decision No. 4 of 2014 establishing a committee for the implementation of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations relating to terrorism and the financing of terrorism.

141. The Kuwaiti legislature is also in the process of enacting a new law on terrorism offences in view of the situation now prevailing in the region as a result of the occurrence of these offences in such large numbers.

142. On the basis of Act No. 106 of 2013, Council of Ministers Decision No. 1396 of 11 November 2013 was promulgated to establish a committee, under the chairmanship of the Ministry of Foreign Affairs, for the implementation of Security Council resolutions on counter-terrorism.

143. The committee was reconstituted by Ministerial Decision No. 44/2014, as amended pursuant to Decision No. 4/2014, under the chairmanship of the Undersecretary for Foreign Affairs. It has held eight meetings since the promulgation of Decisions 4/2014 and 44/2014 and carried out the following:

- It has conducted field visits with its counterparts in GCC States (the Kingdom of Saudi Arabia, Abu Dhabi and the Kingdom of Bahrain) in order to acquire technical assistance relating to the implementation of Security Council resolutions. It is in the process of arranging a field visit to the State Department of the United States of America (Washington) and is also awaiting a reply from the Hashemite Kingdom of Jordan in order to set a date for a technical visit to assist its work;
- It has held two workshops for committee members on mechanisms for the implementation of Security Council resolutions on counter-terrorism and the financing of terrorism, the first of which was organized in conjunction with representatives of the United States Department of the Treasury and the second with its counterpart in the Kingdom of Saudi Arabia;
- It has issued guidelines for the financial institutions and non-financial professions and businesses provided for in Act No. 106 of 2013, which were circulated by the Ministry of Trade and Industry, the Central Bank and the Financial Markets Authority;
- The Central Bank and the Financial Markets Authority ran a workshop for financial institutions in order to explain how to apply the guidelines for the financial institutions and non-financial professions and businesses provided for in Act No. 106 of 2013 and to reply to questions;
- It has set up its own website;
- It has created dedicated telephone numbers and an email address for responding to queries from financial institutions and non-financial professions and businesses;

- It has maintained direct contact with the Union of Banks with the aim of continuous development of the modus operandi.
144. The Committee has participated in the following activities at the international level:
- A regional meeting held in Addis Ababa during the period 17-19 September 2014 in order to respond to questions from the review task force;
  - Conferences held in Paris, Jeddah, Washington, Manama, Brussels and Marrakesh on combating terrorism, Daesh and the flow of foreign combatants, at which the Financial Action Task Force (FATF) made recommendations taken into account by Kuwait, which also organized a conference on the Daesh communications strategy.
145. Kuwait likewise contributes to the counter-terrorism efforts of the international community by providing logistical support to international forces.

**Matters raised in paragraph 37 of the list of issues**

146. Pursuant to the criminal policy of the national legislature, the death penalty was established in order to tackle the serious offences provided for in the Criminal Code and the laws supplementing it, in accordance with which the death penalty may be imposed on those who perpetrate such offences.
147. The serious offences provided for in the Criminal Code are as follows:
1. Perjury and forcing a person to commit perjury should an accused person consequently receive the death penalty and it is executed (arts. 137 and 138 of the Code);
  2. Murder, murder by poison, premeditation or ambush, and causing death by deliberately withholding essential care (arts. 149, 150, 151, 166 and 167 of the Code, subject to arts. 153 and 159 thereof concerning the penalty of temporary imprisonment for the offence of murder committed on finding a person in flagrante delicto and for that of infanticide committed by a mother in order to avoid dishonour);
  3. Causing death by deliberately misleading air or marine navigation or endangering a public highway (arts. 170 and 171 of the Code);
  4. Kidnapping by force with the intention of abuse, murder, sexual intercourse or indecent assault, and knowingly assisting an offender to conceal a kidnapped person (arts. 180 and 181 of the Code, subject to art. 182 thereof, which provides for exemption from punishment, and articles 109, para. 3, 110, 240 and 241 of the Code of Criminal Procedure, which provide for substitution of the public prosecutor for a guardian where the interest of a minor conflicts with that of his guardian);
  5. Forced sexual intercourse with a female who lacks capacity or is deliberately prevented from exercising her capacity by the person responsible for her care (arts. 186 and 187 of the Code);
  6. Piracy of vessels if the attack on the vessel results in the death of one or more of those on board (art. 252 of the Code);
148. The serious offences provided for in Act No. 31/1970 amending provisions of the Criminal Code are as follows:
1. Damaging the external security of the State (arts. 1, 6, 8, 11 and 18 of the Act, subject to the provisions on exemption from punishment under art. 22 in the event of cooperation with the justice system);

2. Physically assaulting the Amir or the Crown Prince or overthrowing the system of government by force (arts. 23 and 24 of the Act);
  3. Torture leading to the death of the victim (art. 53 of the Act).
149. The serious offences provided for in the laws supplementing the Criminal Code are as follows:
1. Importing, dumping or permitting the transit of nuclear waste in the territory of Kuwait without the authorization of the Public Authority for Environment (arts. 25-130 of the Environment Protection Act No. 24/2014);
  2. Human trafficking where it results in the death of the victim or a law enforcement official following an assault or resistance (arts. 2-8 of the Trafficking in Persons and Smuggling of Migrants Act No. 19/2013, subject to the extenuating circumstances provided for in art. 10 of the Act in the event of cooperation with the justice system concerning the offence provided for in art. 2);
  3. Endangering the safety of air navigation where it results in damage, destruction or death (arts. 2 and 4 of the Safety of Aircraft and Air Navigation Offences Act No. 6/1994, subject to exemption from punishment under art. 6 of the Act in the event of cooperation with the justice system);
  4. Using explosives to commit acts of terrorism or killing (art. 1 of the Explosives Offences Act No. 35/1985, subject to exemption from punishment under art. 7 of the Act in the event of cooperation with the justice system);
  5. Trafficking in narcotics (arts. 31, 31 bis, 32 and 32 bis of the Narcotics (Regulation of Use and Trafficking) Act No. 74/1983, subject to exemption from punishment under art. 49 of the Act in the event of cooperation with the justice system).
150. The death penalty is nonetheless subject to substantive and procedural safeguards.

*Procedural safeguards:*

- The death sentence cannot be handed down other than by an independent judicial authority (art. 16 of the Constitution), as represented by the courts (arts. 53 and 164 of the Constitution), which are impartial, independent and unbiased, namely criminal courts composed of three judges, courts of appeal composed of three justices, and the Court of Cassation composed of five justices (arts. 1, 3, 7 and 8 of the Code of Criminal Procedure, the Cassation Appeal Act No. 40/1972 and the Judiciary Regulation Act No. 23/1990);
- Court hearings are held in public and judgements must, in all circumstances, be handed down at a public hearing (art. 165 of the Constitution and art. 136 of the Code of Criminal Procedure);
- The right of an accused person to defend himself is safeguarded (arts. 29, 30, 34 and 166 of the Constitution and arts. 120, 155, 162, 163, 164, 165 and 170, para. 2, of the Code of Criminal Procedure);
- If an accused person has no lawyer to represent him, a lawyer is appointed by the court at the expense of the Public Treasury and must be given access to all of the case papers so that he can prepare a proper defence (art. 120 of the Code of Criminal Procedure and art. 27 of the Code of Professional Conduct for Lawyers (Act No. 42/1964, as amended by Act No. 62/1996));

- Criminal court judgements must be handed down in the presence of the accused or be formally notified to him so that he can be retried on appeal by the same court (arts. 187 and 199 of the Code of Criminal Procedure);
- All death sentences handed down by a criminal court must be automatically referred by that court to the Court of Appeal within one month of the date of judgement if no appeal is lodged by the convicted person (art. 211 of the Code of Criminal Procedure), as opposed to the 20-day period prescribed for lodging appeals against other sentences (art. 201 of the Code of Criminal Procedure);
- The Office of the Public Prosecutor must submit to the Court of Cassation cases in which death sentences have been handed down, together with a memorandum setting out its opinion, within 30 days of the judgement rendered by the Court of Appeal and, contrary to the procedure in other cases, the Court of Cassation takes charge of examining all of the substantive and procedural aspects of the case in order to uphold or alter the judgement (art. 14 of the Cassation Appeal Act No. 40/1972);
- Death sentences are carried out only with the approval of the Amir and on the basis of an execution order issued by the President of the Court of Cassation. The convicted person is imprisoned until the Amir approves the sentence, gives a pardon or commutes the sentence by Amiri decree (art. 217 of the Code of Criminal Procedure).

*Substantive safeguards:*

- It is prohibited for courts to pronounce the death sentence on anyone who was under 18 years of age at the time of committing the offence (art. 14 of the Juveniles Act);
- It is prohibited for courts to punish anyone proven to have been legally incompetent at the time of committing the offence (arts. 18-25 of the Code of Criminal Procedure);
- It is prohibited for courts to pronounce the death sentence on anyone incapable of defending himself owing to insanity, dementia or mental illness occurring after the offence was committed (art. 118 of the Code of Criminal Procedure);
- Stricter penalties cannot be imposed for any earlier offences, in accordance with the ex post facto principle, whereas a new law may be applied retroactively if it benefits the accused or convicted person (art. 15 of the Criminal Code and art. 10 of the Cassation Appeal Act);
- It is prohibited to carry out the death sentence on a pregnant woman so that she can give birth and have her sentence commuted to imprisonment (art. 59 of the Criminal Code, art. 218 of the Code of Criminal Procedure and art. 49 of the Prisons Regulation Act No. 26/1962).

**Matters raised in paragraph 38 of the list of issues**

151. The core document has been prepared.



## General information on new measures and developments relating to the implementation of the Convention in the State party

### Matters raised in paragraph 39 of the list of issues

152. A number of measures have been taken in this respect, including those of:

- Promulgating Decree No. 170 of 2014 referring a bill for the establishment of a human rights bureau to the National Assembly for approval and enactment;
- Liaising with the Council of Ministers for amendment of the Criminal Code (Act No. 16 of 1960, as amended by Act No. 31 of 1970) and the explanatory memorandum thereto with a view to incorporating a definition of torture;
- Promulgating Act No. 3 of 2012 amending provisions of the Code of Criminal Procedure, to which we have already made reference;
- Amending Act No. 17 of 1960, pursuant to Act No. 3 of 2012, to provide various safeguards for detainees, which were mentioned earlier;
- Establishing the Public Authority for Anti-Corruption, pursuant to Decree-Law No. 24 of 2012, as an independent body in charge of directing anti-corruption efforts as part of the protection of human rights;
- Establishing the Public Authority for Manpower, pursuant to Act No. 109 of 2013, which oversees labour-related affairs in the private and petroleum sectors.

153. In the interest of protecting workers and guaranteeing their rights, a temporary accommodation centre for expatriate workers was established, pursuant to Ministerial Decision No. 652/2007, under the supervision of the Ministry of the Interior (Department of Domestic Labour). In accordance with Council of Ministers Decision No. 892 of 2007, approval was given for the financial cost to be covered by the budget of the Ministry of Social Affairs and Labour. The centre was then brought under the Ministry of Social Affairs and Labour, pursuant to Council of Ministers Decision No. 1297 of 2012.

154. Complementing the efforts of the State of Kuwait, the Ministry has opened an accommodation centre capable of housing 500 to 700 expatriate workers in the area of Jalib al-Shuyukh. Fully equipped with the essential facilities for daily living and sanitation, it complies with all the legal requirements for guaranteeing the rights to be accorded to workers by their employers and has been commended by all civil society organizations and ambassadors of the countries exporting labour to Kuwait.

### Table of workers housed at the accommodation centre for expatriate workers during the period 1 January to 30 December 2014

<i>Date</i>	<i>Indian nationality</i>	<i>Filipino nationality</i>	<i>Ethiopian nationality</i>	<i>Nepalese nationality</i>	<i>Sri Lankan nationality</i>	<i>Chinese nationality</i>	<i>Indonesian nationality</i>	<i>Madagascan or Ugandan nationality</i>	<i>Total</i>
From 1 January to 31 March 2014	25	265	5	22	153	-	-	-	<b>470</b>
From 1 April to 30 June 2014	32	267	7	30	160	-	-	-	<b>496</b>
From 1 July to 31 September 2014	28	256	13	124	73	-	-	12	<b>506</b>
From 1 October to 30 December 2014	0	315	2	0	157	-	-	24	<b>498</b>

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<b>Total</b>	<b>85</b>	<b>1 103</b>	<b>27</b>	<b>176</b>	<b>543</b>	<b>-</b>	<b>-</b>	<b>36 1 970</b>
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The statutes of the centre are annexed hereto.

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