



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **Third periodic report submitted by Kuwait under articles 16 and 17 of the Covenant, due in 2018\* \*\***

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

\*\* The annexes to the present document are on file with the Secretariat and are available for consultation.



## **The third periodic report of the State of Kuwait on the implementation of the International Covenant on Economic, Social and Cultural Rights**

### **Introduction**

1. The third periodic report under article 17 of the International Covenant on Economic, Social and Cultural Rights has been drafted in accordance with the general reporting guidelines issued by the Committee on Economic, Social and Cultural Rights. It was drafted by a committee that prepares and drafts all the reports of Kuwait to human rights treaty bodies and that includes representatives of competent ministries. Meetings were also held with representatives of civil society groups and organizations. The statistics and tables attached to the report were compiled by the competent national bodies.
2. The report is composed of two parts, the first of which serves as an introduction while the second covers the steps taken by the State to give effect to the concluding observations contained in E/C.12/KWT/CO/2.

### **Concluding observations issued by the Committee on Economic, Social and Cultural Rights following its consideration of the second periodic report of Kuwait (E/C.12/KWT/CO/2)**

#### **4.**

3. Kuwait has launched its vision “New Kuwait” with a view to overcoming present challenges and to moving towards a more prosperous and sustainable future in which all rights are fully guaranteed. In line with the vision, by 2035 Kuwait would be transformed into a financial and trade hub, attractive to investors, where the private sector leads the economy, creating competition and promoting production efficiency, under the umbrella of enabling government institutions, which accentuates values, safeguards social identity, and achieves human resource development as well as balanced development, providing adequate infrastructure, advanced legislation and an inspiring business environment.

#### **Goals and policies for economic rights in the 2015/16–2019/20 development plan**

- *Protecting local industry from harmful foreign competition and encouraging it by all available means*
  - (a) Provide an environment of free competition for industrial and commercial enterprises as a basis for economic activity in Kuwait, with government intervention to protect against harmful competition (“dumping”) and to apply approved quality standards to imports.
- *Protecting and raising the awareness of consumers and opening channels of communication with them*
  - (a) Consolidate specialized judicial expertise in fields related to commerce and increase the number of specialized courts and chambers;
  - (b) Intensify monitoring and inspection campaigns, increasing penalties and support consumer protection initiatives on the part of Government and civil society;
  - (c) Build up a strategic reserve of basic commodities to guard against unexpected price increases, shortages of goods or crises and emergencies, in coordination with the Government and the cooperative sector.

- *Rationalizing the consumption of electrical energy and water*

(a) Rationalize consumption and encourage the adoption of a correct form of subsidization by shifting service subsidies from price support to monetary support for limited-income families, launching subsidized goods at market prices in accordance with the forces of supply and demand, and developing energy and water conservation systems in public buildings and facilities.

- *Increasing the potential of electricity generating stations*

(a) Increase the production of electrical energy over the course of the development plan by expanding electricity generating stations to meet the growing needs of population, industry, commerce and other activities, ensure the maintenance and upkeep of those stations and develop transmission and distribution networks.

## **Goals and policies for social rights in the 2015/16–2019/20 development plan**

- *Increasing the involvement of the Kuwaiti workforce in the private sector*

(a) Increase the proportion of Kuwaitis within the total workforce by promoting recruitment programmes for national workers within the private sector;

(b) Improve the working environment in the private sector in order to attract greater numbers of national workers by balancing working conditions, working hours, wages, benefits and other privileges between the public and private sectors, as well as by training Kuwaitis to operate in the private sector.

- *Curbing unemployment*

(a) Support skilled Kuwaiti workers with incentives in order to make them competitive, particularly in government procurement;

(b) Support small and medium-scale enterprises by addressing operational constraints, providing material support and facilitating administrative matters in order to ensure the sustainability of small-scale enterprises and attract young people and newcomers to the labour market.

- *Modifying the philosophy of housing welfare in the light of a comprehensive strategic vision for urban development*

(a) Develop a strategy for urban development that includes integrated housing policies and that links the structural plan with the development plans;

(b) Promote the role of the higher committee for administering the structural plan, including all concerned parties;

(c) Develop the concept and philosophy of housing welfare by examining eligibility requirements and updating housing welfare information to limit the number of applications;

(d) Provide modern alternative housing based on new and evolving models, in line with global changes in building regulations, and launch major housing projects drawing on similar experiences in other countries and the knowledge of international and local construction firms.

## **Goals and policies for health**

- *Promoting healthy lifestyles with the participation of all sectors of society*

(a) Encourage good practices – such as sport, healthy eating, preventive screening and periodic examinations, hygiene and disease prevention practices – and promote positive lifestyle role models in society;

(b) Support efforts to promote occupational health, combat road accidents and discourage forms of behaviour that are harmful to health.

- *Improving the quality and efficiency of health services particularly health service management*

(a) Implement the system of international recognition of health-care service quality by applying international quality standards in all public and private health-care facilities in conjunction with consistent and unified national standards, and by ensuring the well-being and rights of patients, limiting medical errors and fulfilling treatment protocols;

(b) Set and apply specific rules for treatment abroad, and take the measures necessary to invite outstanding international medical figures with appropriate specializations as an alternative to sending patients for treatment abroad.

### **Goals and policies for general education**

- *Achieving excellence in education and improving the standing of Kuwait in global assessment tests*

(a) Prepare and train nationals to join the teaching profession through the application of academic standards (the professional licensing system) that are consistent with international teacher-training standards and in such a way as to improve competitive ability in the field of teaching; also, train teachers and equip them with self-learning skills to help them keep pace with the best teaching methods and with methodologies for dealing with parents and guardians;

(b) Instil positive concepts among students and accentuate Kuwaiti identity through the promotion of an integrated system of values based on the guidance of Islamic sharia, the importance of unity and national identity, responsible citizenship and active participation in community issues;

(c) Improve the level of services provided to students with special needs by developing care programmes for outstanding students.

### **Goals and policies for higher education**

- *Raising the admission capacity of higher education institutions and linking results to the needs of the labour market*

(a) Increase the admission capacity of public and private higher education institutions and focus on the balanced geographical distribution of such institutions;

(b) Focus on the ongoing integration, modernization and development of specializations, programmes and curricula in institutions higher education, both public and private, in accordance with the needs of the labour market by developing effective methods for keeping abreast of those needs in both the public and private labour markets in Kuwait.

### **Goals and policies for training**

- *Developing the training needs required to give the workforce the skills necessary to achieve the State vision*

(a) Examining the training needs required to imbue people with the skills necessary to achieve the State vision;

(b) Develop training plans to develop human capacities with a view to achieving the State vision.

## Goals and policies for social welfare and development

- *Supporting and developing the goals, programmes and mechanisms of the social safety net*

(a) Develop the social assistance system and diversify its sources and its forms, empower target groups to find income opportunities in productive areas and ensure sustainability through advanced human capacity development programmes, with a particular focus on persons who are able to work and with a view to making the recipients of social assistance, especially women, more productive;

(b) Increase the involvement of cooperatives in running and financing cooperative production projects, support small and medium-scale enterprises in order to mitigate inflationary effects, develop the role of the cooperative sector in agriculture and animal husbandry and encourage cooperative projects in certain areas of public service such as schools, universities and hospitals as well as housing and social development projects.

- *Caring for and reintegrating socially vulnerable groups in society: children, delinquents, persons with disabilities and older persons*

(a) Develop social, health and cultural care and provide a healthy environment for all children; develop the talents and abilities of children by raising their cultural, educational, religious and intellectual knowledge in cooperation with civil society; establish model kindergartens for children and educate families about healthy child nutrition;

### Childhood indicators for 2017

<i>Indicator</i>	<i>No.</i>
Children's clubs	22
Private kindergartens	412
Children attending private kindergartens	38 008
Beneficiaries of the Department for Family Care	1 042

(b) Establish a mechanism for the early detection and treatment of cases of violence, delinquency and exploitation of all kinds against children, juveniles and persons with disabilities via a system to detect and intervene early in cases where children are subjected to psychological and physical abuse, to provide preventive and curative care for juvenile delinquents and those vulnerable to delinquency and to rehabilitate such persons and reintegrate them into society. This will involve the concerted efforts of relevant government ministries and civil society organizations:

- The enactment of Act No. 21 of 2015 concerning the rights of the child marked a qualitative leap in childcare in Kuwait. It is in line with the Convention on the Rights of the Child, which Kuwait has ratified, and thus is consistent with international treaties. The Act, which represents a decisive expression of the commitment of Kuwait to rights and freedoms, regulates children's rights in the fields of social and health care and education;
- The Kuwait national project for the protection of children against violence and ill-treatment came into being pursuant to Ministerial Decree No. 116 of 2013, which established a higher national committee, headed by the Undersecretary of the Ministry of Health, to lay the groundwork for plans to protect children from violence, abuse and neglect. The Office of Social Development, which is part of the Prime Minister's Office, is an active partner on the committee;
- Ministerial Decree No. 127 of 2014 included provision for the formation of a child protection team to ensure that children and their families can be referred to the Office of Social Development for psychological treatment and follow-up;

- In addition, Kuwait has also focused on institutions for the upbringing of children with disabilities and it has established the Juvenile Welfare Department of the Ministry of Social Affairs and Labour to care for juvenile delinquents and those vulnerable to delinquency. Positive results have been achieved in that regard.

#### Beneficiaries of services offered by the Juvenile Welfare Department

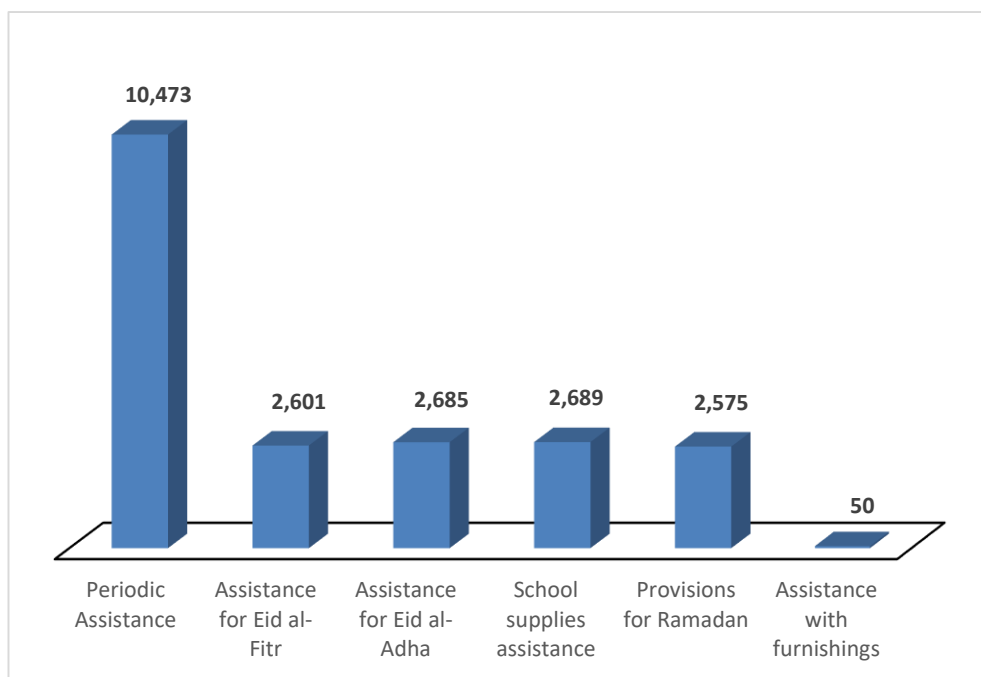
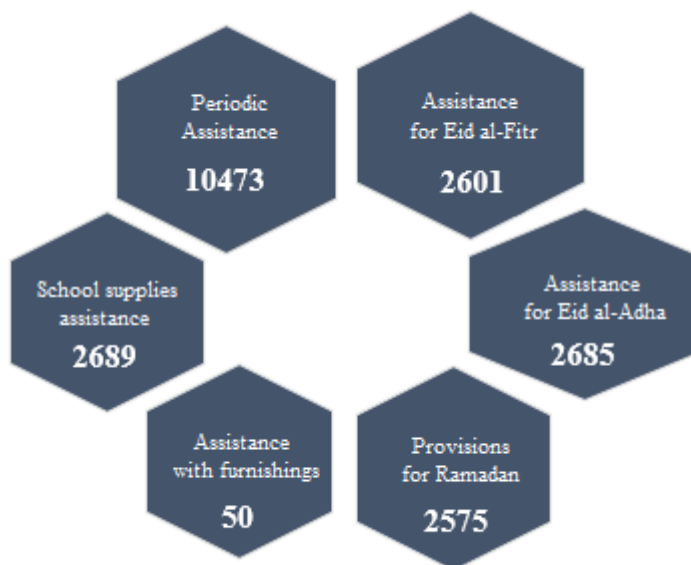
<i>Legal status</i>	<i>Role</i>	<i>Children present as of March 2017</i>		<i>Children present as of September 2018</i>	
		<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Vulnerable to delinquency	Reception	3	1	2	0
	Social accommodation	3	2	2	3
Detained pending investigation	Observation home	6	0	6	0
Convicted juveniles	Social care	41	4	27	2
	Social evaluation	5	0	10	0
	Social monitoring (court-ordered examination)	263	12	369	9
Pending sentencing	Social monitoring (social research)	57	10	18	3
	Social monitoring (juvenile prosecutor)	148	1	67	0
<b>Total</b>		<b>556</b>		<b>518</b>	

(c) Consolidate and improve the financial and social standing of minors and of the families involved in caring for them, and ensure the safe investment of funds on the part of the Public Authority for Minors Affairs in accordance with the provisions of Islamic sharia;

#### Age groups of minors in the care of the Public Authority up to 31 December 2017

	<i>From</i>	<i>To</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
1	0	6	190	195	385
2	6	10	477	452	929
3	10	15	1 192	1 246	2 438
4	15	21	2 959	2 824	5 783
<b>Total</b>			<b>4 818</b>	<b>4 717</b>	<b>9 535</b>

**Beneficiaries of assistance provided by the Public Authority as per the rules and conditions of 2017**



(d) Develop specialized services for older persons and expand the objectives of such services by strengthening the mobile service system for the elderly and encouraging the private sector and civil society to participate in the implementation of comprehensive care projects for them, incentivizing and training specialists in that field and providing qualifications for persons involved in caring for the aged;

### Beneficiaries of services offered by the Department for the Care of Senior Citizens

<i>Type of care</i>	<i>Beneficiaries as of March 2017</i>		<i>Beneficiaries as of September 2018</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Shelter	12	16	13	16
Mobile service for older people in their homes	897	2 316	939	2 525
<b>Total</b>	<b>3 241</b>		<b>3 494</b>	

(e) *Afya* is a system of health insurance for retired citizens, which was launched pursuant to Act No. 114 of 2014. According to the Act, the Ministry of Health is obliged to provide health care to persons covered by the system, through a network of private-sector medical providers;

(f) Care for persons with disabilities and protection of their interests through the establishment of an integrated system to protect society from the onset of disability; develop a programme for the early detection of disability; provide health, social, psychological and educational care for persons with disabilities; raise awareness in society and among families about how to deal with persons with disabilities and encourage national professionals to work with persons in special categories;

(g) Establish a comprehensive system of community integration for persons with disabilities, based on the principle of non-discrimination, by integrating them into the labour market and creating internal work environments commensurate with the needs of persons with disabilities; integrate persons with disabilities into the educational system and increase opportunities for them through appropriate training opportunities; integrate them into cultural, artistic, leisure and sporting activities:

- The Rights of Persons with Disabilities Act No. 8 of 2010, which is consistent with the Convention on the Rights of Persons with Disabilities, focuses on equality and non-discrimination in all areas of life including, of course, legal status and rights, without exclusion or exclusion;
- The establishment of the Public Authority for Persons with Disabilities marked a qualitative advance in government concern for the care of such persons, a shift from the traditional concept of care to the concept of integrating persons with disabilities into Kuwaiti society as citizens with equal rights to education and work.

- *Promoting social cohesion*

(a) Enhance social cohesion by mobilizing citizens to achieve the vision and strategic objectives of the State; develop programmes whereby all segments of society can contribute to maximizing the value of social capital;

(b) Strengthen societal value systems by disseminating positive values that support the vision and strategic objectives of the State, such as work, responsibility, solidarity, ability, creativity and innovation, especially among young people, while at the same time addressing negative phenomena that are alien to society;

(c) Consolidate positive citizenship practices, responsibility and national identity in innovative and diverse ways in order to support a sense of loyalty and belonging to the homeland and integration among the various components of society; consolidate the concept of citizens' relationship with the State on the basis of duties and responsibilities;

(d) Make efforts to raise awareness with a view to preserving the family as the basic building block of society by addressing and resolving issues and problems in order to maintain the family cohesion; provide educational, preventive and therapeutic support to protect society from all forms of violence at both community and family level.



**Table showing projects within the social cohesion programme, the responsible bodies and the main policies in the 2018–2019 annual plan**

<i>Basis</i>	<i>Programmes</i>	<i>Projects</i>	<i>Body responsible</i>	<i>Principal policies</i>
Innovative human capital	Programme to consolidate social cohesion	Social safety net	Ministry of Social Affairs and Labour	<ul style="list-style-type: none"> <li>• Developing social safety net mechanisms in line with the economic and social changes in Kuwaiti society</li> <li>• Developing the social assistance system, diversify its sources and its forms, and empowering target groups to find income opportunities in productive areas and ensure sustainability</li> </ul>

- *Promoting the role of civil society in development*

(a) Expand the role of civil society and its participation in the development process; encourage community initiatives whether they be independent or in partnership with the private sector or with State agencies concerned with civil and charitable activities; expand the role of civil society in new non-profit social activities such as education, health care, housing transport and social services;

(b) Kuwait has carried out a pioneering experiment in the field of planning implementation by encouraging participation in the drafting of annual development plans. Development partners – government sector, private sector and civil society – have been invited to formulate goals and policies for development plans. In addition, certain civil society organizations have participated in proposing development projects, which have then been adopted for implementation by government agencies in cooperation with civil society. Examples of this include projects of the Ministry of Education such as *Bareec* for positive thinking and mental well-being, and the integrated system of education reform;

(c) Raise awareness about the importance of voluntary work in society; expand frameworks for popular participation in various forms of community work; establish volunteer centres in residential areas and youth centres. In addition, Kuwaiti development plans include the project *Ayadina* to promote volunteerism among young people, which is part of the cohesion programme being run by the Ministry of State for Youth Affairs; its principal goals include:

- Supporting voluntary initiatives and bringing them together under one roof;
- Regulating volunteer work under the aegis of the Ministry of State for Youth Affairs;
- Providing volunteers with practical experience in a safe and healthy environment;
- Instilling a spirit of volunteer work and community service in young people;
- Enabling young people to share their experiences of voluntary work;
- Providing opportunities for young people to learn about voluntary groups;
- Creating voluntary opportunities for young people of both sexes through cooperation with relevant institutions.

## Goals and policies for empowering women and young people

- *Supporting and developing the capabilities of Kuwaiti women*

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

- *Supporting the social empowerment of Kuwaiti women*

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

- *Utilizing the energy of young people*

(a) Invest youth leisure time effectively by developing a comprehensive national youth-care plan in cooperation with competent bodies; establish more institutions and facilities for young people in all governorates;

(b) Develop the role of centres for young people of both sexes; modernize and open those centres to society as a whole by turning them into family community centres for families in general and young people in particular; involve the private sector in managing the centres for more competitive services;

(c) Support student activities and sponsor student organizations; promote the community initiatives of such organizations by creating specialized centres for educational, social, cultural and artistic activities.

- *Supporting the competitiveness of young people*

(a) Increase the involvement of young people on the national labour market, particularly in the private sector, by raising skill levels, improving productivity, raising awareness, providing guidance on job opportunities and directing people towards non-traditional jobs;

(b) Encourage entrepreneurship among young people by spreading a culture of enterprise and by providing training and qualifications in that area; support initiatives by young people in the field of small and medium-scale enterprises and provide integrated service packages to support such enterprises and to consolidate small-scale business initiatives.

- *Supporting leadership skills and the empowerment of young people*

(a) Support efforts to empower Kuwaiti youth and expand their role in society; encourage and motivate initiatives by young people;

(b) Prepare youth leaders and enhance their active participation in the economic, social and political fields, in cooperation with specialized international institutions and universities, in order to support activities in the field of financial and commercial development; involve young people in national and community activities.

- *Improving levels of creativity and innovation among young people*

(a) Nurture the gifts and creative skills of young people by creating spaces to highlight those talents; construct a system for young people based on creativity and innovation; develop a long-term programme to encourage creativity and innovation among youth in academic, cultural and sporting fields; increase their involvement in regional and international initiatives.

- *Protect young people from the dangers of drugs, alcohol, stimulants and delinquency*

(a) Support awareness-raising programmes on the dangers of drugs, alcohol, stimulants and violence of all kinds, with the participation of young people and youth organizations. This will involve spreading awareness among young people about the

serious consequences of drug-taking, using scientific methods to reduce the growing phenomenon of violence among the young and underlining the importance of reporting cases of drug-taking so as to ensure that all forms of addiction can be adequately treated.

- *Promoting the role of sport in society*

(a) Select and nurture talented athletes using global expertise, in order to be able to compete at regional and international levels, through the establishment of specialized centres which will help to identify talent in various different sports;

(b) Promote sporting programmes for all by raising awareness about the importance of sport and creating model arenas to provide a safe and suitable environment for sport and recreation for all members of society;

(c) Support sporting activity in educational institutions by setting up specialized centres to improve the sporting skills of students in schools, institutes and universities; open school sports facilities for use during evenings.

### **Goals and policies for cultural rights in the 2015/16–2019/20 development plan**

- *Disseminating culture, arts and literature and moulding the Kuwaiti character*

(a) Encourage artistic and literary creativity; foster the production of culture, ideas and art; support artists and talented persons by increasing the number of artistic and literary festivals at home and abroad; involve the State in financing and producing artistic and cultural projects that help to enrich the Kuwaiti character and to disseminate national values. The State, in fact, supports talented individuals in all fields of art and literature, and it embraces and seeks to promote their artistic creations;

(b) Enhance media freedoms; promote free and creative thinking in society by regulating controls over artistic and creative works so that they do not contradict the values and morals of Kuwaiti society;

(c) Encourage cultural and artistic works that aim to support the cultural, behavioural and mental development of children via the ongoing enhancement of the cultural and artistic materials available to children across various media such as television programmes, cartoons, illustrated stories, etc.;

(d) Revitalize the status of hobbies and of cultural and artistic activities in public education by reinstating technical and artistic courses to the school curriculum; strengthen the curriculum with cultural and artistic programmes and activities; revitalize school theatre and music and arts classes as well as activities involving other skills;

(e) Provide support for Kuwaiti cultural publications and use modern technology to distribute and promote them. The table in annex 1 shows the total number of visitors to museums and archaeological sites by month.

## **5.**

4. The Kuwait Institute for Judicial Studies provides training and qualifications for judicial personnel, in which context it has run human rights training courses in cooperation with the Office of the United Nations High Commissioner for Human Rights. The aim was to improve and consolidate knowledge of human rights and their associated values and principles, in particular within the judiciary which is deeply implicated in the application of human rights law at the national level:

(a) Human rights phase 1 on 8 February 2015;

(b) Human rights phase 2 on 8 March 2015;

(c) Human rights phase 3 on 5 April 2015.

5. The purpose of the courses was to train judges in international human rights law and international human rights protection mechanisms and to imbue them with skills so that the Institute can then call on them to train its own members.

The Kuwait Institute for Judicial Studies has also run a number of other training courses:

- (a) Human rights in the context of criminal trials on 1 March 2015;
- (b) A module on human rights law (intended for students of law who are candidates to join the Office of the Public Prosecution), sixteenth session 2017/18;
- (c) The first Gulf-level course on international humanitarian law, February 2016;
- (d) The seventh regional training session on international humanitarian law, 3 and 4 May 2017.

6. The High Court of Kuwait invoked the International Covenant on Economic, Social and Cultural Rights – which was ratified by Kuwait pursuant to Act Law No. 11 of 1996 – in its ruling No. 3332/2014 (administrative/7) issued on 26 April 2014. It referred specifically to article 6 of the Covenant, which states:

“(a) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right;

(b) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”

The Court also invoked article 7, which states: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: ...

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.”

The ruling thus overturned the appealed sentence on the basis of the International Covenant on Economic, Social and Cultural Rights, as ratified by Act No. 11 of 1996.

## 6.

7. Under article 51 of the Covenant States have the right to enter reservations under public international law. The issue is one of sovereignty; it touches upon the circumstances and laws of each State and, in fact, facilitates the ratification of the Covenant on the part of States.

## 7.

8. In order to guarantee human rights and freedoms within Kuwait, and in the light of the State’s obligation to implement its pledge to establish an independent national human rights institution in accordance with the Paris Principles, which it voluntarily entered into during its universal periodic review before the Human Rights Council, Act No. 67 of 2016 was issued under which the National Bureau for Human Rights came into being.

9. In order to give real effect to such a measure and to enshrine its principles in law, the Act gives the Bureau a special legal status as a national, official and independent body for human rights, but not an administrative or governmental agency in the customary legal sense. Nor is it a civil society organization. The most appropriate legal description of the National Bureau for Human Rights is that it is a permanent, national body that concerns itself with human rights and freedoms.

10. Article 2 of the Act establishing the Bureau states that it is “under the supervision of the Council of Ministers. The Bureau shall have legal personality and shall be independent in the exercise of its functions, activities and mandate.”

11. Article 3 focuses on the number and diversity of members of the Bureau’s governing council. In fact, in the exercise of their functions, the members of the governing council enjoy the immunity granted to members of independent national bodies in accordance with international human rights treaties.

12. Article 4 of the Act explains the mechanism for nominating members of the governing council, who are appointed by a decree for a period of four years, renewable once. The article also specifies the requirements that must be met by any candidate or appointee to the governing council of the National Bureau for Human Rights.

13. Article 6 enumerates around 14 functions, tasks and activities which it is proposed that the Bureau should carry out and which take account of a range of human rights frameworks including the international obligations contained in the main human rights treaties and the responsibilities set forth in paragraph 3 of the Paris Principles.

14. In the light of the overriding importance of cooperation and coordination among different national bodies, article 7 of the Act addresses the obligation of governmental agencies of all kinds, as well as non-governmental entities, to assist the Bureau by providing it with the information, data and documentation it requires.

15. Article 9 includes provision for the creation of standing committees within the governing council, each headed by a council member: a committee on civil and political rights; a committee on family rights; a committee against torture, racial discrimination and human trafficking; and a committee for complaints and grievances.

16. As part of ongoing efforts to make the National Bureau for Human Rights an active entity that carries out its mandate in accordance with the law under which it was established, Decree No. 269 of 2018 has been issued appointing members to the Bureau’s governing council, including persons with experience and expertise in the field of human rights.

## 8.

17. Firstly, it should be noted that the general constitutional principle in this regard is that, with effect from the date of their entry into force, treaties ratified by Kuwait form an integral part of national legislation and are incorporated into domestic law. As a consequence, all governmental bodies and institutions, as well as individuals, have an obligation to comply with the Covenant, and the judiciary is required to ensure that it is respected and protected.

18. This national legal obligation derives from article 70 of the Constitution, which stipulates that: “The Emir concludes treaties by decree and transmits them immediately, together with an appropriate explanatory statement, to the National Assembly. Treaties have force of law after having been signed, ratified and published in the Official Gazette.”

19. With regard to the inclusion in domestic legislation of the notion of discrimination as set forth in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, it should be noted that Kuwaiti legislators have shown themselves anxious to combat discrimination and racism in all forms, as is clear from numerous provisions in the Constitution and national law.

20. The Constitution of Kuwait includes a number of provisions that aim to promote equality and non-discrimination within Kuwaiti society. They include:

- Article 7: “Justice, freedom and equality are the pillars of society while cooperation and compassion act as a bond between citizens.” The fact that Kuwaiti legislators chose to include the word “society” demonstrates beyond any doubt their concern for all persons present on Kuwaiti territory without discrimination of any kind;

- Article 29 states: “All persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion”;
- The explanatory note on the interpretation of article 29 indicates that it is an expression of the principle of equality in regard to rights and obligations in general while referring, in particular, to the most important application of that principle, namely the enjoyment of equality without distinction as to gender, origin, language or religion. The note also points out that it was deemed preferable for the article not to include the expression “colour or wealth”, even though it appears in the Universal Declaration of Human Rights, since there is not the slightest suspicion of racial discrimination in the country and the wording of the article is, in itself, sufficient to dispel any such suspicion. Moreover, the idea of distinguishing between people on grounds of wealth is alien to Kuwaiti society and, consequently, there is no need to make specific mention thereof;
- Article 30: “Personal freedom is guaranteed”;
- Article 35: “Freedom of belief is unrestricted and the State shall protect the freedom to observe religious rights in accordance with custom, on condition that this does not violate public order or offend decency”;
- Article 36: “Freedom of opinion and academic research is guaranteed. Everyone has the right to express and propagate their opinions orally, in writing or by any other means, in accordance with legally prescribed conditions and procedures.”

21. As part of their efforts to ensure non-discrimination, Kuwaiti legislators have made recourse to law a basic right, which is enshrined in the Constitution and is granted to everyone with no distinction between citizens and residents. Article 166 of the Constitution states: “People are guaranteed the right to have recourse to law. The law itself shall determine the procedures and conditions required for the exercise of that right.” Under article 45 of the Constitution, all individuals may address themselves to the public authorities in written form, under their own signature. From this it follows that the Constitution grants all people the right to have recourse to the authorities, to make complaints and to submit reports.

22. The Constitution of Kuwait, which is the highest legislation of the land, includes clear and binding provisions guaranteeing the right to justice, freedom and equality. In addition, the Constitution states that all people have equal human dignity and are equal before the law and, therefore, have the same rights and duties before the courts and the same freedom of belief. Furthermore, the same provisions grant followers of all religions, of whatever denomination, the right to exercise their religious rituals, while all persons have the right of recourse to law and the right to address complaints to the public authorities. This shows that constitutional texts are binding upon legislators, who may not depart therefrom in the legislation they pass.

23. For its part, national legislation has remained consistent with the principles enshrined in the Constitution. It includes provisions that seek to protect and promote human rights and fundamental freedoms and to combat any manifestations of racism or racial discrimination, whatever their cause. Those provisions include the following:

- Article 6 of Act No. 24 of 1962, concerning clubs and public welfare associations, stipulates that: “The association or club shall not be permitted to pursue any unlawful objective ... and it shall be prohibited for the association or club to involve itself in politics or religious controversies or to incite intercommunal, racial or confessional bigotry”;
- Article 6 of Legislative Decree No. 42 of 1978, concerning sporting associations, likewise stipulates that: “The sporting organization shall not be permitted to pursue an unlawful objective ... and shall be prohibited from engaging or involving itself in politics or religious controversies or inciting intercommunal, racial or confessional bigotry”;
- Article 46 of the Private Sector Employment Act No. 6 of 2010 stipulates that “... a worker’s service may not be terminated because of sex, origin or religion.”

24. The Criminal Code also includes a number of general provisions that criminalize the dissemination of harmful principles that affect the country's social or economic order. In fact, article 30 of Act No. 31 of 1970, amending certain provisions of the Criminal Code, prohibits "associations, groups and bodies whose purpose is to disseminate principles aimed at the unlawful destruction of fundamental systems or at forcibly undermining the social or economic order of the country".

25. In a related context and as an affirmation of the principle of equality, the Constitution of Kuwait enshrines the equality of all persons in rights and duties before the law, and the country's domestic legislation is bound by those principles. For example, Act No. 16 of 1960 promulgating the Criminal Code underscores the importance of equality in the application of the provisions it contains. In fact, article 11 stipulates that the provisions of the Act are applicable to all persons who commit an offence envisaged therein, within the territory of Kuwait.

26. Under Act No. 109 of 2014, article 4 bis was added to Act No. 14 of 1973 concerning the establishment of the Kuwaiti Constitutional Court. The article states: "Any natural or legal person may bring a case before the Constitutional Court to appeal against any law, decree or regulation, if the person concerned has well-founded misgivings that the decree or regulation is in violation of the Constitution, and if the person has a direct personal interest in the appeal." Under that provision, all persons in Kuwait may lodge an appeal before the Constitutional Court if a law or regulation violates some part of the Constitution, including the principles of equality and non-discrimination.

27. As part of efforts to combat racism and religious hatred, Decree-Law No. 19 of 2012 was passed, concerning the protection of national unity. Article 1 of the Decree prohibits advocacy or incitement, by any means, of hatred or contempt for any social group; provocation of sectarian or tribal factionalism; promotion of ideologies based on the superiority of any race, group, colour, national or ethnic origin, religious confession or lineage; encouragement of any act of violence to that end; and dissemination, propagation, printing, broadcasting, re-broadcasting, production or circulation of any concepts or printed or audiovisual material, or spreading or retransmission of false rumours, likely to lead to any of the above.

28. Article 2 of the same Decree prescribes the following criminal penalties for the above-mentioned acts: "Without prejudice to any heavier penalty provided for in other laws, anyone who commits an act in violation of the prohibitions stipulated in article 1 of the present Decree shall be liable to a term of imprisonment of up to 7 years and/or a fine of between 10,000 and 100,000 Kuwaiti dinars (KD), together with the confiscation of the means, funds, instruments, newspapers and printed matter used to commit the offence. The penalty shall be doubled in the event of a repeated offence."

29. Under article 3, if an offence envisaged in the Decree is committed by a legal person then – without prejudice to the criminal liability of the natural person – that legal person shall be liable to a fine of between KD 10,000 and KD 100,000, if the offence was committed in the name or on behalf of that person.

30. Article 109 of Act No. 16 of 1960 (the Criminal Code) states as follows: "Anyone who damages, destroys or defiles a place designated for the celebration of religious rites, or who therein carries out an act that violates the respect due to the religion in question, shall be liable to a term of imprisonment of up to 1 year and/or a fine of up to KD 75."

31. The same penalty is prescribed for anyone who disturbs the tranquillity needed for a lawful gathering to perform religious observances, with intent to disrupt the gathering or to detract from the respect due thereto, or who commits a wrongful act against any person attending such a gathering.

32. Article 111 of the Criminal Code (Act No. 16 of 1960) criminalizes any manifestation of religious bigotry in the following terms: "Anyone who publicly disseminates, in any of the ways specified in article 101, views that constitute derision, disparagement or defamation of a religion or a religious confession, or an attack on the doctrines, observances, rites or teachings thereof, shall be liable to a term of imprisonment of up to 1 year and/or a fine of up to KD 1,000."

33. Article 19 of the Printing and Publications Act No. 3 of 2006 prohibits disparagement of the Divine Being, the Holy Qur'an, the Prophets or the Companions or Wives of the Prophet (peace and blessings be upon him). Article 11 of Audiovisual Media Act No. 61 of 2007 prohibits a licensee from broadcasting or re-broadcasting anything that would deride or defame the Divine Being, the Angels, the Holy Qur'an, the Prophets or the Companions or Wives of the Prophet (peace and blessings be upon him) using any of the means envisaged in article 29 of Act No. 31 of 1970, amending certain provisions of the Criminal Code (Act No. 16 of 1960).

34. In addition, according to article 7 of the Cybercrime Act No. 68 of 2015, any person who uses the Internet or any kind of information technology to commit any of the actions envisaged in articles 19, 20 or 21 of the present Act shall, depending upon the circumstances, be liable to the penalties set forth in article 27 (1), (2) and (3) of the Printing and Publications Act.

## **9.**

### **Paragraphs 9 (a) and (b)**

35. The Central Agency for the Remedy of Situations of Illegal Residents brings together experts on a variety of subjects within the body's mandate, who have a complete knowledge of relevant laws and regulations. This is clear from the road map, which has been developed by the Central Agency and which takes account of people's right to a dignified life and to education and health.

36. Decisions taken are in conformity with the Constitution and the law. If any person within the territory of Kuwait feels that he or she has been adversely affected by such decisions, the Constitution allows that person to have recourse to the courts to request that the decision be overturned. Moreover, constitutional provisions envisage the possibility of two appeals, the first before the Court of Appeal and the second at the Court of Cassation. This shows that all persons are subject to the law. No distinction is made between persons on grounds of sex, colour, creed or nationality. In addition, the judiciary monitors all decisions made by the administrative authorities in cases of grievance.

37. Granting nationality is a sovereign right that touches upon the supreme interests of the State. It is subject to rules and conditions that are regulated by the Kuwaiti Nationality Act No. 15 of 1959, as amended. The provisions of that Act specify the cases in which the possibility of obtaining nationality may be considered, while the Central Agency puts forward the names of persons who fulfil the conditions for obtaining Kuwaiti nationality under the Act. Under the road map adopted by the Council of Ministers, between 1992 and the present, some 16,377 persons falling into the category of unlawful residents have acquired nationality.

### **Paragraph 9 (c)**

38. Kuwait has several different laws that govern the course of life within the State, and those laws may be invoked when claiming rights or duties. Thus, every person born on the territory of Kuwait to a father and mother who are joined in a marriage that is valid under the law and under sharia has the right to be issued with a birth certificate. Birth certificates are subject to the Births and Deaths Act and tangible progress has been made vis-à-vis the right of illegal residents to civil registration and the acquisition of official documents. The inclusion of the term "non-Kuwaiti" in the indication of nationality has resulted in an increase in the number of official documents issued, such as birth certificates, death certificates, etc. In fact, 2,848 birth certificates were issued in the course of 2017.

### **Paragraph 9 (d)**

39. In collaboration with the competent State authorities, the Central Agency for the Remedy of Situations of Illegal Residents has adopted a range of measures and executive procedures to facilitate the access of such residents to a number of humanitarian and civil services. Under Ministerial Decree No. 49/2011, the Central Agency has issued 96,000



cards allowing such persons to enjoy various privileges, benefits and facilities, including the following:

- (a) Free education;
- (b) Free treatment;
- (c) Acquisition of official documents such as birth certificates, death certificates marriage contracts, divorce certificates, marriage reinstatement documents, official notices, inheritance, powers of attorney;
- (d) State-subsidized foodstuffs on an equal footing with Kuwaitis;
- (e) Driving licences;
- (f) Help services for persons with disabilities;
- (g) Employment in the public and private sectors.

**Paragraph 9 (e)**

40. Many international human rights organizations consistently confuse two separate issues: on the one hand stateless persons and, on the other, illegal residents. In fact, the two are quite different. Stateless persons, according to the 1954 Convention relating to the Status of Stateless Persons, are persons who are not considered as nationals by any State under the operation of its law. The situation of illegal residents is different. They entered Kuwait illegally and concealed their original documents indicating their nationalities with a view to settling in Kuwait, enjoying the concomitant services and privileges, and acquiring nationality. Research in the records of various State agencies has thrown light on the nationalities and origins of many of these people. At the beginning of 1991, around 91,000 persons changed their status either by disclosing their nationality or by leaving for their country of origin. They cannot, therefore, be considered as stateless persons. Thus, the failure of Kuwait to accede to the two treaties mentioned does not affect the position of such persons as they are not, in any case, covered by those provisions.

**10.**

41. The Constitution of Kuwait underscores the concept of equality between men and women as a firm principle to which no exception may be admitted. Article 29 of the Constitution states: "All persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion".

42. This is confirmed by the explanatory note on the interpretation of article 29, which indicates that it is an expression of the principle of equality in regard to rights and obligations in general while referring, in particular, to the most important application of that principle, namely the enjoyment of equality without distinction as to gender, origin, language or religion.

43. Article 36 of the Constitution envisages freedom of opinion and expression for everyone. It reads: "Freedom of opinion and of academic research is guaranteed. Everyone has the right to express and propagate their opinions ...". These constitutional provisions are reinforced and reiterated in Kuwaiti domestic legislation, including the following:

- Decree Law No. 19 of 2012, concerning the protection of national unity, article 1 of which prohibits "advocacy or incitement, using any means of expression – traditional or modern – of hatred or contempt for any social group; provocation of sectarian or tribal factionalism; promotion of ideologies based on the superiority of any race, group, colour, national or ethnic origin, religious confession or lineage; encouragement of any act of violence to that end; and the dissemination, propagation, printing, broadcasting, re-broadcasting, production or circulation of any false rumours likely to lead to any of the above. Anyone who commits such acts shall be liable to a term of imprisonment of up to 7 years and/or a fine of between KD

10,000 and KD 100,000, together with the confiscation of the means used to perpetrate such acts.”

- Article 30 of Act No. 31 of 1970, amending certain provisions of the Criminal Code, prohibits “associations, groups and bodies whose purpose is to disseminate principles aimed at the unlawful destruction of fundamental systems or at forcibly undermining the social or economic order of the country. Organizers and propagandists of the above-mentioned groups shall be liable to a term of imprisonment of up to 15 years while persons who, being aware of the objectives of the groups, participate in their activities shall be liable to a term of imprisonment of up to 10 years.”
- The Code of Criminal Procedure (Act No. 17 of 1960) discriminates positively in favour of women. Article 82 of the Code states that “women shall, in all cases, be searched by a woman, delegated for that purpose by the investigator, and the same shall apply to female witnesses”. Article 86 of the Code reads: “If veiled women are in the house and the purpose of entry is not to seize or search them, the official concerned shall treat the women in line with custom, allowing and facilitating their withdrawal or their departure from the premises as long as that does not adversely affect the search operation or its outcome.”
- Article 26 of the Private Sector Employment Act No. 6 of 2010 stipulates that women should be paid the same wage as men. The article reads: “A female worker shall be entitled to the same remuneration as a male worker for undertaking the same work.”
- Under Act No. 21 of 2015 concerning the rights of the child, working mothers are allowed to take unpaid leave to take care of their children. The Act also imposes an obligation on institutions to set up a nursery if they employ 50 working women. In addition, it requires employers to grant maternity leave to working mothers and it gives mothers the right to two hours a day to breastfeed their child, without any reduction in wages.
- Act No. 16 of 1960 promulgating the Criminal Code underscores the importance of equality in the application of the provisions it contains. In fact, article 11 stipulates that the provisions of the Act are applicable to all persons who commit an offence envisaged therein, within the territory of Kuwait.
- The provisions of the Civil Code are general, abstract and make no distinction as to gender, and they are thereby consistent with the Constitution and with international treaties. According to article 84 of Decree-Law No. 67 of 1980 promulgating the Civil Code, “all persons are eligible to enter into a contract unless the law specifies that they are ineligible or rescinds their eligibility”. Here the law is general and abstract and does not specify sex as a condition for eligibility.
- Article 96 of the Code states: “All persons who have attained the age of majority are fully eligible to make legal dispositions unless there is a prior ruling to the effect that tutelage and guardianship over their assets should continue.” What should be noted here is the generalized wording. In fact, legislators chose to use the word “persons” at the beginning of the article to indicate that its provisions refer equally to men and to women. Moreover, the Civil Code makes no reference to the legal capacity of women by reason of marriage or blood relation; therefore, once a woman reaches the age of majority under the law, she is in full possession of her rights and has the capacity to make legal dispositions as stipulated under the Civil Code and other legislation. She also has the capacity to manage her assets, property and affairs without any conditions that restrict or prevent her from doing so.
- As part of the State’s concern for the welfare of women, with a view to achieving gender equality and in recognition of the important role women play in society, 22 female deputy prosecutors were admitted in 2014. This a preparatory step to the transition of women from the prosecution to the judiciary as their careers progress.
- On 27 June 2018, the Supreme Judicial Council of the State of Kuwait issued a decision approving the appointment of 93 graduates of the faculty of law and the faculty of Islamic sharia as legal researchers in the Ministry of Justice. This is a

preparatory step to their appointment as deputy prosecutors in the Office of the Public Prosecution. Of their number, 24 are women.

- Regarding the gender-based assessment of the impact of legislation, the constitutional and legal system of the State of Kuwait has adopted a wording that covers both men and women on an equal footing. Article 29 of the Constitution states: “All persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion.” Domestic legislation uses generalized wording that cover both sexes and even discriminates positively in favour of women in certain areas, including the following:
  - Reducing work by two hours during the last two months of pregnancy and during the first two years after childbirth in order to guarantee women the right to breastfeed their offspring;
  - Three months’ leave with full pay and three months with half pay following childbirth;
  - Leave to accompany a husband who goes abroad to work or to complete his studies;
  - Paid *idda* leave for a period of 4 months and 10 days for a woman who loses her husband.
- Kuwaiti women in the following categories also receive material assistance:
  - Widows who have not remarried since the death of their spouses;
  - Divorced women who have completed the legally prescribed waiting period after the termination of a marriage in which they have engaged in conjugal relations or been in a state of legal seclusion with their previous husband;
  - Wives and children, however numerous, of prisoners;
  - Unmarried women over 18 years of age who lack a provider, and unmarried women between 35 and 60 years of age, even if they have a provider;
  - Married Kuwaiti women over 55 years of age, unless they are proved to have a private source of income.
- In addition, the State has made particular efforts to empower women, to which end it has taken a number of measures including the following:
  - Appointing female deputy prosecutors;
  - Establishing the “By my own efforts” project, which is a national, family-oriented joint initiative of the Ministry of Social Affairs and Labour and the Endowment Fund for Scientific and Social Development of the Public Endowments Foundation. The initiative has been given the name of “By my own efforts” and is being run by the productive training and education department of the Ministry of Social Affairs and Labour. The purpose of the project is to provide categories who receive social assistance (divorced women, widows, girls, disadvantaged women, families of prisoners and Kuwaiti women married to non-Kuwaitis) with vocational, professional and cultural training programmes to help them acquire the skills they need to be self-reliant and to find employment in the government or private sector, or to launch an enterprise of their own;
  - Integrating the issue of women’s empowerment into the development plan of the Ministry of Social Affairs and Labour;
  - Establishing, in cooperation with the United Nations Development Programme (UNDP), the “Boutique 33 Business and Enterprise Development Incubator”, which is the first incubator to support projects run by women. The purpose of the undertaking was to create a business incubator for small-scale enterprises and to provide market outlets for Kuwaiti women who wish to become self-employed;

- Organizing, in cooperation with UNDP, a national forum on the implementation of the fifth Sustainable Development Goal: “Achieve gender equality and empower all women and girls”.
  - It should also be pointed out that Kuwaiti women have received support for the role they play in society and in the family, and for their social, economic and political rights. The State has worked to create the appropriate legislative and institutional conditions and mechanisms to enable women to obtain all their rights and to play their role in the development of society as an equal partner with men. The table below shows the main indicators relating to the empowerment of women in Kuwait.
44. The development plan envisages efforts to promote the empowerment of women through the following objectives and policies:
- (a) *Nurturing and developing the abilities of Kuwaiti women*
- (i) Review and update of all legislation relating to Kuwaiti women’s issues in order to remove all forms of discrimination against women without compromising the principles of Islamic sharia;
- (ii) Promote social, economic and occupational capacity-building programmes for women to ensure domestic and psychological stability, implement training programmes to improve women’s capabilities and foster their participation in public life, provide services for working women and encourage and support small-scale enterprises run by women.

Table 1  
**Development of main indicators relating to economic and political empowerment and to the participation of Kuwaiti women in the decision-making process during the period 2014–2018**

	<i>Indicator</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Economic empowerment	Working Kuwaiti women as a percentage of total Kuwaiti population	55.4	55.2	55.7	55.9
	Working Kuwaiti women as a percentage of society as a whole (Kuwaitis and non-Kuwaitis)	10.6	10.3	10.1	10
	Proportion of Kuwaiti women among government sector workers as a percentage of all Kuwaitis who work in that sector	55.9	56.2	56.9	57.2
	Proportion of Kuwaiti women among private sector workers as a percentage of all Kuwaitis who work in that sector	53.7	51.3	50.8	50.9
Political empowerment	Percentage of seats occupied by women in the National Assembly	4	2	2	2
	Percentage of ministerial posts occupied by women	6.3	6.3	6.3	12.5

Table 2  
**Proportion of Kuwaiti women in leadership roles in the State for 2018**

<i>Position</i>	<i>No.</i>	<i>Proportion of women with respect to men</i>
Minister	2	13 per cent
Deputy Minister	3	7 per cent
Assistant Deputy Minister	38	13 per cent
Director of department or institution	5	19 per cent
Deputy Director of department or institution	6	9 per cent
Assistant secretary general	6	21 per cent
Ambassador	2	2 per cent
Member of the Department for Legal Advice and Legislation	42	42 per cent
<b>Total</b>	<b>99</b>	

45. From the above table it is clear that:

- There is a growing influx of Kuwaiti women into the national labour market, which may be ascribed to the increased intake of Kuwaiti women into education and the emergence of a new generation of educated women. This, moreover, is having a significant effect on the economic situation of families. The proportion of Kuwaiti women working in the government sector stood at 58 per cent in 2018 while, for the same year, the proportion in the private sector was 50.6 per cent;
- There is an increasing presence of Kuwaiti women in decision-making positions in both the government and private sectors. In fact, Kuwaiti women have been occupying high-level positions since the beginning of the 1990s. That process culminated in a woman becoming a minister (Minister of Planning and Administrative Development) for the first time in national history, after Kuwaiti women gained their full political rights in May 2005;
- Kuwait has managed to close the education gender gap and girls enjoy fair education opportunities at all stages of education. The increased proportion of girls in education is observable above all in higher education, followed by secondary education and general education.

46. Kuwaiti women also enjoy access to State-run health services, which are provided free of charge, in particular primary health-care services. These services have directly contributed to the fact that Kuwait was able to achieve the fifth Millennium Development Goal – improving maternal health – ahead of the deadline.

47. As stated earlier, Kuwaiti women entered the judiciary with their official appointment as deputy prosecutors. In fact, on 27 June 2018, the Supreme Judicial Council of the State of Kuwait issued a decision approving the appointment of 93 graduates of the faculty of law and the faculty of Islamic sharia as legal researchers in the Ministry of Justice. This was preparatory to their appointment as deputy prosecutors in the Office of the Public Prosecution. Of their number, 24 are women.

## 11.

48. Kuwait has taken measures to ensure equality between men and women in the workplace. The basis for such measures is article 29 of the Constitution, which states: “All persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion.” Article 41 of the Constitution states: “All Kuwaitis have the right to work and to choose the nature of

that work. Work is the duty of all citizens, a duty that dignity imposes and public welfare requires. The State shall undertake to provide just working conditions.”

49. In line with the foregoing, several pieces of national legislation have been enacted to safeguard the rights of women. These include the Private Sector Employment Act No. 6 of 2010, article 1 (3) of which defines the worker as “any male or female who performs a manual or intellectual task on behalf and under the supervision of an employer in return for a wage”. The Act dedicates an entire section to the employment of women, including provisions to promote their empowerment. For example, article 26 of the Act states: “A female worker shall be entitled to the same remuneration as a male worker for undertaking the same work.” Thus, men and women are equal in that they receive equal pay for equal work, without distinction. Annex 2 includes statistics on the employment of women in the private sector.

50. Reference should also be made to the reply to paragraph 10 of the concluding observations, which illustrates the efforts Kuwait has made to support and empower women in the labour market.

## 12.

51. The Private Sector Employment Act No. 6 of 2010 accords workers many rights and privileges that are consistent with treaties of the International Labour Organization (ILO) ratified by Kuwait, particularly the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

52. The following executive decrees have been issued with a view to preventing forced labour and to giving effect to the provisions of law:

(a) Ministerial Decree No. 185/2010, which established a minimum monthly wage of KD 60, equivalent to US\$ 196;

(b) Decree No. 14 of 2017, which raised the minimum monthly wage to KD 75, equivalent to US\$ 246;

(c) Decree No. 839/2015, article 22 of which prohibits an employer from detaining a worker’s passport;

(d) Decree No. 535/2015, which limits the number of hours that may be worked in exposed areas and prohibits work at noon;

(e) Decree No. 201/2011, which criminalizes forced labour;

(f) Decree No. 842/2015, which sets the conditions whereby workers may transfer from one employer to another, as amended by Decree No. 1024/2016;

(g) Act No. 32 of 2016, amending certain provisions of Act No. 6 of 2010, which increases the penalties that may be imposed on employers who violate the Labour Code and the decrees whereby the Code is implemented.

53. With regard to ensuring that prisoners work only if they consent to do so, it should be noted that the sector for correctional institutions and the enforcement of sentences applies the Prisons Act and its own rules of procedure in relation to work in prisons. According to article 25 of the Prisons Act No. 26 of 1962: “Prisoners fall into two categories: (a) Remand prisoners (detainees), convicted prisoners sentenced to basic imprisonment and persons subjected to coercive measures and imprisonment for non-payment of debts; (b) Convicted prisoners who have been sentenced to imprisonment with labour.”

54. Article 31 of the same Act states: “Prisoners falling into category (a) shall not be obliged to work although they are required to clean their cells unless the prison administration decides to exempt them from that duty on grounds of health. ... If the requirements of the prison dictate that one of them should work because of the particular skills he or she possesses, and the person concerned agrees, appropriate recompense shall be assessed.”

55. With respect to prisoners falling into category (b), article 35 of the Act states: “The rules of procedure set forth the kinds of work imposed on convicted prisoners who have been sentenced to imprisonment with labour; i.e., prisoners in category (b).”

56. Under article 37 of the Prisons Act, “prisoners falling into category (b) shall, to the extent possible, work in the professions in which they were employed outside the prison”.

57. Article 38 of the Act includes provisions relating to the remuneration of prisoners for the work they do. It states: “A prisoner in category (b) shall be remunerated for the work done in prison and the value of such remuneration shall increase if the work is technical in nature, as set forth in the rules of procedure.” Under article 39, the remuneration is to be disbursed to the prisoner with the requirement that half of the total value is to be retained and paid out upon release.

58. It is clear from the above:

(a) That there is a group of inmates who do no work in prison, being exempted therefrom on grounds of health;

(b) That there is a group of inmates whose only obligation is to clean their cells (prisoners in category (a));

(c) That inmates do no hard labour but undertake only simple tasks that are not intended to harm or discipline them but to teach them a professional skill such as carpentry, metalwork, tailoring or other trades that will help them to find decent job openings and earn their living after leaving prison. These skills are taught via rehabilitation programmes within the prisons themselves;

(d) That the work inmates do is remunerated.

### 13.

59. Under national legislation, government and non-governmental institutions are required to employ persons with disabilities. Article 14 of the Rights of Persons with Disabilities Act No. 8 of 2010 stipulates: “Government, private-sector and oil-industry institutions employing at least 50 Kuwaiti workers are required to employ professionally qualified persons with disabilities at a proportion that is no less than 4 per cent of their Kuwaiti workforce. None of those institutions may refuse to employ a candidate with a disability in the absence of an acceptable reason (which cannot be the candidate’s disability). The Government shall offer incentive programmes for employers who employ more than the fixed quota of persons with disabilities and may provide material support to employers who exceed this quota. The terms of support shall be announced by decree of the competent authority at the request of the institution concerned.”

60. In accordance with the above, a survey was conducted on the number of companies employing 50 or more Kuwaiti workers and it was discovered that there were 77 in all. Furthermore, it was found that none of them were fulfilling their obligations vis-à-vis the employment of persons with disabilities as set forth in the aforementioned article 14.

61. The companies in question were contacted and informed of the need to comply with the requirement to employ a certain quota of persons with disabilities. Six companies responded expressing their readiness to comply with the requirements of the law and detailing the skills and competencies necessary for recruitment.

62. The Public Authority for Persons with Disabilities has been contacted regarding the skills required for the recruitment of persons from its register of persons with disabilities. The Public Authority will make those skills known using the means available to it and the companies concerned will then report back on the number of persons with disabilities they have engaged.

63. In February 2018, the Public Authority for Manpower – in cooperation with the Public Authority for Persons with Disabilities, the manpower restructuring programme and the administrative apparatus of the State – organized an event at a shopping centre to make

people with disabilities aware of the opportunities available to them in the private sector and to encourage them to enter the labour market.

64. The Public Authority for Manpower will continue to coordinate with the Public Authority for Persons with Disabilities and other parties concerned with a view to organizing such events. At the same time, it will take measures in regard of companies that have no obligation to impose the quotas stipulated by law.

65. The Government shall offer incentive programmes for employers who employ more than the fixed quota of persons with disabilities and may provide material support to employers who exceed this quota. The terms of support shall be announced by decree of the competent authority at the request of the institution concerned.

66. In coordination with the competent State authorities, the Public Authority for Persons with Disabilities has taken a number of steps to give effect to article 14 of Act No. 8 of 2010:

- A working group has been formed, which brings together the three sides concerned, to set rules and standards for the implementation of article 14 of the Act;
- The institutions concerned with the implementation of article 14, which were identified by the Public Authority for Manpower as numbering 111, have been contacted with regard to their obligation to meet the quota set by law and to remind them that may not refuse to employ a candidate with a disability in the absence of an acceptable reason (which cannot be the candidate's disability);
- A training seminar on the manpower restructuring programme was held on 24 May 2017 to discuss the definition set forth in law and to urge the institutions concerned to abide by the quotas stipulated in article 14;
- Following the training seminar, a recruitment announcement was published;
- Vacancies have been identified by companies operating in the private sector and the oil sector;
- A database of persons with disabilities who are qualified to work has been established, specifying the nature and degree of their disability;
- A study has been undertaken into the incentive programmes that can be offered to employers who employ more than the fixed quota of persons with disabilities
- The website of the manpower restructuring programme has been set up so as to enable persons with disabilities to sign up for employment opportunities online and to facilitate the registration of job seekers with disabilities;
- Awareness-raising campaigns have been run for parents and guardians of persons with disabilities, encouraging them to help their children find employment in the private sector;
- Every six months, the manpower restructuring programme has been provided with a number of persons with disabilities who are qualified to work so that they can be listed on the programme's website;
- Three shopping centres have been asked to display awareness-raising notices;
- Field visits have been conducted to persons with disabilities at their places of work to check on their working conditions and to address any obstacles they may be facing.

## 14.

67. Kuwait is a country that attracts migrant workers because of the many advantages it offers, including the rule of law and the absence of discrimination between citizens and foreign workers. The Private Sector Employment Act No. 6 of 2010, which enshrines a number of rights to protect workers, is consistent with the relevant international treaties that Kuwait has ratified. For that reason, the number of migrant workers is continually



increasing. In fact, they account for more than two thirds of the population of Kuwait and belong to around 170 nationalities.

68. The “Kuwaitization” plan to which the Committee refers is no different from plans being implemented in other countries of the world. Its purpose is merely to address the problem of unemployment among the national workforce without infringing anyone’s right to work and without arbitrarily or unfairly terminating the contract of any worker.

69. Article 46 of the Private Sector Employment Act No. 6 of 2010 stipulates that: “It is prohibited to terminate the services of a worker without justification, or on grounds of trade-union activity or because the worker claims or enjoys his or her legitimate rights as stipulated by law. It is likewise prohibited to terminate the services of a worker on grounds of race, origin or religion.”

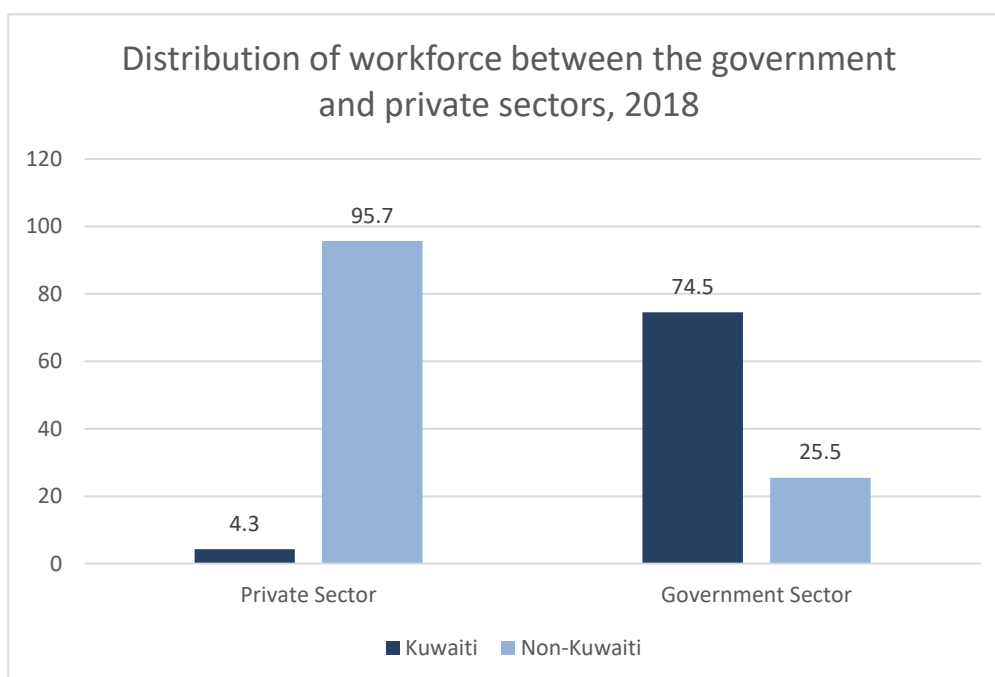
70. The tables below show the proportions of the Kuwaiti and non-Kuwaiti population and the proportion of each who work in the government and private sectors.

**Table showing Kuwaiti and non-Kuwaiti proportion of the population, 1 January 2018**

<i>Group</i>	<i>No.</i>	<i>Percentage</i>
Kuwaiti	1 303 246	30.8 per cent
Non-Kuwaiti	2 923 674	69.2 per cent
<b>Total</b>	<b>4 226 920</b>	<b>100 per cent</b>

**Table showing Kuwaiti and non-Kuwaiti proportion of the workforce in the government and the private sectors**

<i>Sector</i>	<i>Kuwaiti</i>		<i>Non-Kuwaiti</i>	
	<i>No.</i>	<i>Percentage</i>	<i>No.</i>	<i>Percentage</i>
Government sector	297 118	74 per cent	101 766	26 per cent
Private sector	72 057	4 per cent	1 592 952	96 per cent



**15.**

71. The Public Authority for Manpower has prepared an integrated programme of training courses for inspectors, both in cooperation with external bodies and organized by the Public Authority itself. Details about those courses are to be found in annex 3.

72. In addition, training activities have been carried out as part of a capacity-building project, which was signed in November 2014 with three international organizations: UNDP, the International Organization for Migration (IOM) and ILO (a summary of the project is attached).

73. The project included training courses, aimed at government representatives, employers and workers, on international labour standards such as the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100).

74. In cooperation with the Women's Research and Studies Centre of Kuwait University a series of lectures has been delivered to a group of female students from the faculty of social sciences. The purpose was to acquaint them with the international treaties on the empowerment of women in all fields and with the protection and privileges provided by law in the field of work. Preparations are currently being made to present a similar series of lectures in other faculties of Kuwait University.

75. On 4 April 2017, the Public Authority for Manpower launched an educational media campaign the aim of which was to promote the concept of decent work in Kuwait and to make productive industries aware of the need to serve development by creating safe, stable and fair working environments for everyone. The campaign was based on the firm belief that workers play a vital role in the development process and in building and advancing the nation.

76. The campaign has a number of key objectives including greater awareness among workers and employers of labour rights and obligations and of occupational health and safety systems. A specific additional goal is that of increasing rates of compliance with the law with a view to achieving its underlying purpose, which is to create a more knowledgeable workforce and a more stable working environment. The campaign also seeks to make the public at large better aware of the various measures taken by the Public Authority for Manpower, which include measures relating to employers, to workers and to the rights and duties between the two parties. The campaign is being implemented in cooperation with government agencies and civil society organizations.

**16.**

77. The monthly salary of a domestic worker cannot be less than KD 60, equivalent to US\$ 200. In fact, article 3 of Ministerial Decree No. 2302/2016 on the rules and procedures for implementing the Domestic Workers Act No. 68 of 2015, states: "The basic salary of a domestic worker or person of equivalent status shall be no less than KD 60 per month."

78. The Domestic Workers Act No. 68 of 2015 also obliges employers to pay workers their monthly salary and does not allow them, under any circumstances, to withhold any part of that salary. Article 8 of the Act states: "The monthly salary of domestic workers shall be paid from the actual date they accepted employment with the employer and, under no circumstances, may any part of that salary be deducted."

79. The nature of a domestic worker's work differs from that of a worker in the private sector since domestic workers reside with their employer and the employer is responsible for their food, clothing and medical-treatment costs in accordance with article 9 of the aforementioned Act, which states as follows: "Employers are obliged to provide food and clothing for their domestic workers and to meet their medical-treatment and housing costs." Thus, the monthly salary paid to the domestic worker by the employer on the basis of an agreement between them – which cannot be less than KD 60 and from which no deductions may be made – does ensure a decent standard of living for the worker and his or her family.

80. Moreover, the reality of the situation in Kuwait is that no domestic worker receives a monthly salary of KD 60. Under the contracts concluded with recruitment agencies the minimum monthly wage is, in fact, KD 80, equivalent to US\$ 270.

81. In addition, it should be noted that the Public Authority for Manpower has issued a new decree. In fact, under Decree No. 14/2017 regarding the minimum wage, the minimum wage is now KD 75, equivalent to US\$ 250 (a copy of the Decree is attached).

82. The minimum applies to all workers in the private sector and in the oil sector. The Decree was issued following consultation with productive industries, also taking account of prevailing prices and the rate of inflation. Within a maximum of five years, it is to be reviewed to determine the extent to which the minimum wage remains consistent with prevailing circumstances. This is in accordance with article 63 of the Private Sector Employment Act No. 6 of 2010, which states as follows:

“The Minister shall, a maximum of every five years, issue a decree specifying the minimum wage depending upon the nature of the bodies or industries concerned. In this, the Minister shall be guided by the rate of inflation in the country, following consultation with the Labour Advisory Commission and competent organizations.”

## 17.

83. The term “migrants” is not applied to anyone in Kuwait. The term used to refer to workers present in Kuwait is “temporary contractual workers”. This is because the period of their residence is linked to the length of their contract of employment. The term “temporary contractual workers” was adopted at meetings held in the context of the Abu Dhabi Dialogue between countries of origin and countries of destination of workers.

84. It should also be noted that the term “sponsor” is absent from the Private Sector Employment Act No. 6 of 2010 and from the decrees issued thereunder. The legal term used is “employer”. The Public Authority for Manpower has issued a number of decrees the aim of which is to reduce the authority of employers over their employees by providing greater protection to workers. They include the following:

(a) Decree No. 839/2015, which includes a number of provisions regulating relations between employer and worker, particularly article 22 which prohibits an employer from detaining a worker’s passport;

(b) Decree No. 535/2015, which limits the number of hours that may be worked in exposed areas and prohibits work at noon;

(c) Decree No. 201/2011, which criminalizes forced labour;

(d) Decree No. 842/2015, which sets the conditions whereby workers may transfer from one employer to another, as amended by Decree No. 1024/2016;

(e) Act No. 32 of 2016, amending certain provisions of Act No. 6 of 2010, which increases the penalties that may be imposed on employers who violate the Labour Code and the decrees whereby the Code is implemented.

85. The Public Authority has organized a number of training courses to enhance the capacity of labour inspectors to monitor irregularities and violations. They include:

- A seminar on occupational safety and risk management held on 14 May 2017;
- An awareness-raising workshop for employers and workers entitled “Rights and Obligations”, which took place on 15–16 February 2016;
- A training course on accidents and injuries in the workplace, held from 31 January to 4 February 2016.

86. The Committee made the recommendation that Kuwait should accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In that regard, it should be noted that Kuwait – which firmly believes in the importance of promoting human rights and the principles of justice and humanity – has examined the Convention and has come to the view that it is currently more

opportune to delay accession. The reason for this is that Kuwaiti legislators have, on the basis of the country's constitutional and legal system, already developed provisions that protect migrant workers and uphold their rights. In addition, Kuwait has acceded to the following seven ILO conventions related to human and workers' rights:

- (a) ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in 1961;
- (b) ILO Forced Labour Convention, 1930 (No. 29) and ILO Abolition of Forced Labour Convention, 1957 (No. 105), in 1961 and 1968 respectively;
- (c) ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 1966;
- (d) ILO Minimum Age Convention, 1973 (No. 138) and ILO Worst Forms of Child Labour Convention, 1999 (No. 182), in 1999 and 2000 respectively;
- (e) ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in 2007.

## 18.

87. Kuwait attaches great importance to the care and support of domestic workers and the protection of their rights. To that end, it has set up a special department – the Department for Domestic Labour – which looks after domestic workers from the moment they arrive in Kuwait and take up work with their employers. It then continues to uphold their rights and to provide them with support until they leave and return to their countries of origin. A whole range of laws, other pieces of legislation and ministerial decrees have been issued to regulate domestic employment. The most recent of these is the Domestic Workers Act No. 68 of 2015, which repeals Act No. 40 of 1992 and sets forth all the rights and obligations that must be included in a contract of employment between an employer and a domestic worker, with a view to ensuring a healthy relationship between the two parties. It should be noted that the Act drew praise from the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, when she visited Kuwait in September 2016.

### Paragraph 18 (a)

88. Article 23 of the Domestic Workers Act No. 68 of 2015 requires employers to give their domestic workers an end-of-service indemnity equivalent to one month for each year, following the completion of the period stipulated in the contract of employment. The article reads: "An end-of-service indemnity shall be allocated to the domestic worker, following the completion of the period stipulated in the contract of employment, equivalent to one month's salary for each year worked." In addition, employers are responsible for feeding, clothing and meeting the medical costs of domestic workers, as indicated earlier.

89. Under the same Act, employers are required to conclude a contract of employment that guarantees the rights of the domestic worker. The Act also regulates working hours and overtime, and states that domestic workers may not be assigned hazardous duties. According to the Act, daily working hours must not exceed 12, interspersed with hours of rest, and domestic workers are entitled to weekly and annual leave. These provisions are enshrined in article 22 (2) and (3) of the Domestic Workers Act No. 68 of 2015, which state as follows:

"Maximum working hours must not exceed 12 hours in a single day, interspersed with hours of rest". The contract of employment includes a clause (paragraph 7 (3)) to the effect that employers may not impose more than five consecutive hours of work upon a domestic worker, to be followed by a period of rest of not less than one hour. "Domestic workers are entitled to a weekly and annual leave with pay."

**Paragraph 18 (b)**

90. Domestic workers have the right to lodge complaints with the Department for Domestic Labour on matters concerning their work or any abuse they might have suffered, including sexual abuse. The competent authorities then investigate the complaint and, if it is substantiated, take legal steps against the offender. All disputes in regard of domestic labour are resolved according to the provisions of the Domestic Workers Act No. 68 of 2015, and those that cannot be resolved are referred to the competent courts. In the case of sexual assault, the matter is referred to the competent authority and the offender is punished under the Criminal Code (Act No. 16 of 1960). If the offence of sexual assault is linked to human trafficking, offenders are liable to punishment under the Trafficking in Persons and Smuggling of Migrants Act No. 91 of 2013.

91. The Department for Domestic Labour in the Ministry of the Interior maintains contact with diplomatic missions accredited to the State of Kuwait representing countries of origin of workers, with a view to resolving cases before they are referred to court. Annex 4 contains a table showing the number of cases submitted to the Department for Domestic Labour in 2018, those referred to the courts and those resolved amicably.

**Paragraph 18 (c)**

92. The Department for Domestic Labour has developed a variety of mechanisms whereby domestic workers can report any abuse they may have suffered:

- Notification through the domestic worker's embassy;
- Notification by email to the Department;
- Notification by a special telephone number for receiving complaints.

**Paragraph 18 (d)**

93. The Department for Domestic Labour monitors the working conditions of domestic workers and examines any problems they may face during the course of their work. This, in fact, is considered to be one of the most important aspects of the Department's work. A task force has been set up within the inspection division to monitor and follow up on any violations workers may suffer, using all possible means including social media. Cases are followed up and addressed immediately with a view to resolving them as per the legal procedures set forth in the Domestic Workers Act No. 68 of 2015.

94. Using the Ministry of the Interior's Department for Security Information, local newspapers, radio and television programmes and social media, efforts are made to raise awareness among both citizens and residents about the rights and obligations of domestic workers under the Domestic Workers Act. In addition, the Ministry of the Interior's Department for Domestic Labour organizes seminars in government offices with the aim of disseminating knowledge about the Domestic Workers Act and about the rights of such workers.

**19.**

95. The Public Authority for Manpower seeks to apply occupational health and safety regulations in the construction sector through the Department for Labour Inspection (occupational health and safety division). The Department carries out inspections in all sectors, including the construction sector, and every effort is made to ensure that occupational health and safety regulations remain in compliance with international standards and that workers are able to enjoy their rights. If any violation of the law or regulations is discovered, inspectors take the measures necessary to rectify the situation. Annex 5 shows statistics regarding initial inspections of construction sites and the results of return inspections, during the period 1 January 2017 to 30 September 2017, as well as statistics relating to workplace accidents and injuries over the same period.

**20.**

96. In Kuwait, sexual harassment of all forms is punishable under chapter II of the Criminal Code, which covers crimes against dignity and reputation. The provisions in question criminalize acts of rape, indecent assault and obscene acts in public or in private, as well as any incitation to commit such an act. The Code envisages appropriate penalties, which increase depending upon the gravity of the offence.

97. With regard to the recommendation to introduce provisions specifically criminalizing sexual harassment in the workplace, it should be noted that existing legislation already covers violations of that nature, whether they take place in a private or public location, as they impede the provision of safe and healthy working conditions.

98. In addition, punitive provisions of the Criminal Code provide protection against any form of physical violation. This covers both domestic and sexual violence, including acts of forced sexual intercourse, and holds the husband to be criminally responsible for the physical effects of his actions on the victim.

99. With respect to the request to ensure that victims can lodge complaints without fear of retaliation, national legal channels provide the necessary means of redress for violations of all kinds via the police or investigators, such as the Office of the Public Prosecution or the General Department for Investigations of the Ministry of the Interior, in accordance with article 14 of the Code of Criminal Procedure. All violations in that regard are investigated as soon as they are reported and, if substantiated, pursued before the criminal courts.

100. If the victim is a minor, his or her legal guardian must submit the complaint on his or her behalf. If this is not possible, the public prosecutor shall do so on behalf of the guardian.

101. In all cases, the Office of the Public Prosecution pursues its investigations on the basis of a system of watches whereby a member of the Office is constantly available 24 hours a day every day of the year, including official holidays. All cases of sexual harassment in which there is a fear that physical traces may be lost are referred immediately for investigation.

102. If the victim is unfamiliar with Arabic, the services of an interpreter are engaged. The same applies if the victim has special needs, a disability or a hearing or speech impediment, in which case use is to be made of the services of an expert or interpreter, to whom the previous rules apply.

103. All cases remain strictly confidential and no one may be made aware of the contents of the case file other than the investigating authority composed of the deputy prosecutor and the clerk. In addition, accused persons, victims and their lawyers have the right to examine the records of the investigation but no individual or media organization may broadcast any details of the case.

**Enabling victims to lodge complaints**

104. Under Ministerial Decision No. 2411/2008, the Department for Community Policing was established for the purpose of improving security in society through partnership and cooperation between the police and the community in order to prevent crime using community-based means, plans, programmes and initiatives. Psychological, social and legal experts are trained to provide support and legal protection in cases of abuse against women.

**Procedures followed in cases of complaints concerning women**

(a) The complainant may go to the Department for Community Policing to file a complaint regarding any abuse or violence to which she has been subjected. If she is unable to go to the Department, a hotline is available to receive complaints 12 hours a day, from 9 a.m. to 9 p.m.;

(b) A confidential case file is opened to investigate and verify the complaint, to which end the parties involved can be summoned;

(c) The complainant is provided with psychological, social and legal support and, if the harm or violence they suffered is ascertained, the case is referred to the competent authorities (investigators and the Office of the Public Prosecution).

#### **Services provided by the Community Police in cases of complaints concerning women**

(a) Special offices are made available for receiving complaints concerning women and confidentiality is ensured;

(b) Training and qualifications are provided to staff who work with cases involving women, particularly cases of violence, in order to ensure a consistent improvement in the performance of specialists in that field;

(c) Awareness-raising and education campaigns are being conducted to encourage renunciation of violence against women and participation in relevant seminars and conferences;

(d) Legal support is provided to help a woman defend her case if she does not have the means to engage a lawyer of her own. This takes place thanks to a social assistance clause in the protocol of cooperation with the Kuwaiti Bar Association.

105. If a victim wishes to withdraw her complaint, in order for such a course of action to have legal effect and to ensure that the woman is pursuing it of her own free will, the withdrawal must be done before a judicial official. If there is a conflict of interest between the victim and her legal guardian, the matter is to be submitted for evaluation by the Prosecutor General in line with articles 109 and 243 of the Code of Criminal Procedure. Annex 6 shows statistics on the number of cases involving charges of rape and the number of persons accused, according to the charges.

### **21.**

106. It should be noted that the right to strike is not prohibited in the Labour Code or in any decrees issued thereunder. In the event of a strike, the involvement of the Public Authority is always aimed at meeting the workers' demands and at finding an amicable settlement to fulfil those demands. The Authority does not seek to prevent or circumscribe strike action.

### **22.**

107. Labour legislation is constantly being improved with a view to the optimal application of laws relating to workers' rights while respecting the relevant principles. Act No. 6 of 2010 does not include any provisions to prevent migrant workers from exercising their trade-union rights; in fact, it allows them to join existing unions and protects workers if they form or join unions. This is enshrined in article 46 of Act No. 6 of 2010, which states: "It is prohibited to terminate the services of a worker without justification, or on grounds of trade-union activity or because the worker claims or enjoys his or her legitimate rights as stipulated by law. It is likewise prohibited to terminate the services of a worker on grounds of race, origin or religion."

108. Trade unions are an integral part of the fabric of society. Listings show that there are 76 workers' federation and unions, and 48 employers' associations. Annex 7 contains a list of names of workers' unions and employers' associations for 2017, with the date of their formation.

### **23.**

109. As a developing country, Kuwait bases its interpretative declaration on article 3 (3) of the Covenant, which states: "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic

rights recognized in the present Covenant to non-nationals.” For that reason, the interpretative declaration cannot currently be withdrawn.

110. It should also be pointed out that employment contracts for foreign workers include end-of-service indemnity and compensation for any injury workers may suffer while performing their duties. This is consistent with article 89 of the Private Sector Employment Act No. 6 of 2010, which reads: “In applying provisions relating to workplace injury insurance in accordance with the Social Insurance Act, the said provisions shall replace the provisions set forth in the following articles in respect of work injuries and occupational diseases with regard to the persons covered by such insurance.” Article 51 of the Act states that workers are entitled to the following end-of-service indemnity:

(a) Ten days’ salary for each of the first five years of service and 15 days’ salary for each year thereafter with a maximum end-of-service indemnity of one year’s salary, for workers who are paid on a daily, weekly, hourly or piecework basis;

(b) Fifteen days’ salary for each of the first five years of service and one month’s salary for each year thereafter with a maximum end-of-service indemnity of one-and-a-half year’s salary, for workers who are paid on a monthly basis.

111. Workers are also entitled to remuneration for the fractions of a year they spend at work, and the amount of any debts or loans shall be deducted from the end-of-service indemnity they are due. The provisions of the Social Insurance Act shall be applicable in that regard, and the employer shall undertake to pay the net difference between the premiums paid for the inclusion of the worker in the social insurance scheme and the amounts due for the end-of-service indemnity. It should be noted, moreover, that a worker’s rights and entitlements are not affected by transferring from one employer to another. The original employer remains responsible for fulfilling all the worker’s rights.

## **24.**

112. The Personal Status Act makes mechanisms available to the wife to enable her to verify the man’s suitability and appropriate marriage age. Under article 34 of the Act, the validity of a marriage is conditional on the man’s compatibility with the woman at the time of conclusion of the marriage contract, and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36 of the Act, age commensurability between the spouses is regarded as an exclusive right of the wife.

113. Act No. 31 of 2008, which concerns premarital medical examinations for persons wishing to marry, serves to ensure that candidates for marriage are free from infectious or genetic diseases. Article 2 of the Act states that “the person authorized to officiate may not conclude a marriage contract, nor may any party register the contract, until the certificate has been produced, etc.”

114. It is a condition of law that a woman should consent to the marriage contract. Moreover, it has been firmly established in law that a woman should choose her husband and that a father cannot force his daughter to marry. In addition, in article 10 of the Personal Status Act No. 51 of 1984, legislators have made it plain that explicit consent and acceptance are a condition for the conclusion of a marriage contract.

115. As regards establishing 18 as the minimum age for marriage, article 26 of Act No. 51 of 1984 states as follows: “A marriage contract may not be concluded or ratified unless the female party has reached the age of 15 and the male party the age of 17 at the time of registration.” Official statistics on age at marriage show that – as a result of social advances in the State of Kuwait – there has been a significant decline in the number of marriages involving persons under 18 over the last three years. In 2016, nine such cases were documented. In 2017, that number had fallen further to six cases among a total of 13,943 registered marriages. The statistics show that just 4 such marriages took place in the first half of 2018 among a total of 6,969 registered marriages.



116. The Personal Status Act is based on Islamic sharia which, as per article 2 of the Constitution, is the principal source of legislation. Article 2 reads: "Islamic sharia is the main source of legislation. The religion of the State is Islam."

## 25.

117. The Private Sector Employment Act No. 6 of 2010 is consistent with international standards. Article 34 of the Act states: "Employers contracted to undertake government projects or employers who employ workers in zones that are distant from urban areas, are under an obligation to provide suitable accommodation for their workers and free transport to zones distant from urban areas. If such accommodation is not made available, the employer shall provide an appropriate accommodation allowance. Zones distant from urban areas, conditions for suitable accommodation and the accommodation allowance shall all be defined by ministerial decree. In all other circumstances in which the employer is under an obligation to provide workers with accommodation, the applicable provisions are those of the decree mentioned in the previous paragraph regarding conditions for suitable accommodation and the accommodation allowance."

118. In order to ensure the application of article 34 of the Act, the Public Authority for Manpower issued Ministerial Decree No. 199/2010, which defines and specifies what constitutes suitable accommodation for workers. The attached statistics show how the Public Authority has been taking action to give effect to the decree by inspecting workers' accommodation and issuing violations against employers. Annex 8 contains statistics on violations that have been referred to the General Department for Investigations regarding breaches of workers' welfare (accommodation), for the period 1 January 2017 to 30 September 2017.

## 26.

119. A bill made up of 37 articles is currently pending approval by the legislative committee of the National Assembly. Its chapter III, which covers the admission of mental patients to psychiatric health facilities, includes three sections explaining the mechanisms for admitting patients to such facilities for adults, minors and children. It also covers voluntary admission, conditions regulating mandatory admission and the process of placement and monitoring in psychiatric institutions.

120. A rolling programme of training courses is offered to mental health professionals throughout the year to teach them how to apply international mental health assessment principles. The courses are offered by the Department for Social Health and are not confined only to the Kuwait Mental Health Centre but are also made available in all general and specialized hospitals in Kuwait. Training is also offered to technical personnel, in cooperation with the Kuwait Institute for Medical Specialization.

121. With regard to the development of community-based services, the Ministry of Health is careful to ensure that all committees include a member from a public welfare association, particularly with regard to the development of community-based services. This is in order to ensure that those services are consistent with the needs of society and in line with global recommendations.

122. As regards paragraph 26 (c), the State continues to be represented by the Ministry of Health, which provides mental health services to citizens and residents free of charge; in fact, no costs or fees for psychiatric services have so far been set. The State-run health insurance programme, which is in an early experimental phase, covers certain defined categories and illnesses, as mental health services are not widely available in the private sector.

**27.**

123. Kuwait has expended considerable efforts to enact new legislation and laws to conserve the natural environment. The Environmental Protection Act No. 42 of 2014, which includes 9 chapters and 181 articles, has a special section dedicated to integrated environmental strategies. According to the Act, State agencies must develop and modernize their strategies every 5 years, no strategy may have a duration of less than 20 years and they must be accompanied by time-specific plans and implementation mechanisms. In order to ensure environmental sustainability, the Act requires institutions to calculate the environmental burden of their activities on grasslands, fishing grounds, air quality and groundwater. In addition, the Act also lays greater emphasis on environmental monitoring and it gives the Supreme Council for the Environment the authority to appoint observers to monitor the environmental performance of State institutions. The provisions and penalties envisaged in the Act are consistent with relevant international laws and, lastly, the State is required to conduct comprehensive surveys of damaged environments and to develop programmes and plans to rehabilitate them.

124. Under article 116 of the Act, the competent State bodies, in cooperation with the Public Authority for the Environment, are required to develop a national plan for managing environmental data, to be adopted by the Supreme Council for the Environment. The Public Authority for the Environment shall, in a documented and transparent manner, publish that data and make it available to the inhabitants of Kuwait. According to article 117 of the Act, all State institutions are required to set up systems to control and monitor the projects and sites they run. Article 118 requires all competent bodies, in cooperation with the Public Authority for the Environment, to prepare plans to deal with emergencies and natural and environmental hazards. The competent bodies shall administer those plans and make the necessary provisions to ensure their success. Performance is to be monitored by the Public Authority, which submits reports to the Supreme Council. If an oral complaint is made in respect of pollution from neighbouring industrial sites, that complaint is dealt with by the Public Authority for the Environment in the following manner:

- (a) Sufficient information is obtained from the complainant;
- (b) Data from monitoring stations close to the location that is the subject of the complaint is reviewed;
- (c) Contact is established with State agencies to ensure that there is no natural cause (the oil sector, the Ministry of Public Works, the fire brigade, etc.);
- (d) Once the source has been identified, measures are taken in conjunction with the responsible party, and the complainant is informed and kept abreast of developments.

**28.**

125. Kuwait pursues the comprehensive development of individuals via its outstanding educational system, which focuses on all aspects of human development: the mental, social, professional and emotional. The system is founded on knowledge enrichment and capacity-building as well as the promotion of feelings of respect, dignity and freedom, and the concepts of tolerance, friendship and acceptance. Article 13 of the Constitution reads: "Education is a cornerstone of progress in society and is guaranteed and protected by the State." Article 40 states: "Education is a right of Kuwaitis and is guaranteed by the State."

126. Justice, freedom and equality are the fundamental components of society, as is stated in article 7 of the Constitution. Under Act No. 11 of 1965, primary level education is compulsory and free of charge for Kuwaitis. The Act also requires the State to provide school buildings, books, teachers and all the human and material resources necessary to make primary education a success. Ministerial Decree 504/2010 was issued in 2010 to regulate the rules governing the acceptance, free of charge, of non-Kuwaiti students into State-run schools. The Decree admits the following 16 categories:

- Children of citizens of States of the Cooperation Council for the Arab States of the Gulf;

- Children of Kuwaiti mothers married to non-Kuwaitis;
- Children of diplomats;
- Children of non-Kuwaiti prisoners and martyrs;
- Children of technical instructors and teachers working for the Ministry of Education;
- Children of members of the teaching staff of the Public Authority for Applied Education and Training;
- Children of members of the teaching staff of Kuwait University;
- Children of sociologists working in government schools;
- Children of members of the teaching staff of technical institutes attached to the Ministry of Higher Education;
- Children of researchers working in the Kuwait Institute for Scientific Research;
- Children of members of the teaching staff of Saad Al-Abdullah Academy for Security Sciences;
- Children of the Yemeni Arab community;
- Children of members of the teaching staff of the Arab Open University;
- Children of science lecturers and librarians working in government schools;
- Children of persons working for the Ministry of Education;
- Children of persons working for the Ministry of Higher Education.

127. Decree No. 114/2016 and Decree No. 175/2016 have been issued, under which grandchildren of members of the military, grandchildren of martyrs and grandchildren of Kuwaitis (who are illegal residents) may be admitted and enrolled in schools run by the Ministry of Education. In the belief that education should be free for everyone, the State of Kuwait is working on a plan to achieve justice and equality and is seeking to enact a law on compulsory education under which the parent or guardian would be penalized if their child remains absent from school for more than two weeks without a valid reason.

128. Kuwait has taken a series of measures to ensure education for all. The Department for Private Education administers a charitable fund for persons who are financially disadvantaged, while the Ministry of Education has allocated KD 6,577,000 – equivalent to US\$ 21,631,300 – to provide free education during the academic year 2016/17. The parent or guardian must submit a file for each child containing basic information about the child, the name of the school, class and level. The Fund then undertakes to provide education from the date of the child's enrolment until the completion of secondary education.

129. It should also be noted that the State guarantees all students the right to accede to university education. The system of post-secondary education enables students to move on to higher education in accordance with their own inclinations, needs and capacities, and with the needs of the national labour market. This process is regulated by general rules that guarantee equality of opportunity and are based upon objective criteria such as the abilities of the persons wishing to go to university, their individual skills, rates of admission and the absorption capacity of colleges and institutes. Competence is measured on the basis of a candidate's performance in pre-university education or on other particular conditions imposed by certain university faculties.

130. In addition, the State provides the opportunity for persons who did not go to university to enrol in any of the colleges or institutes of the Public Authority for Applied Education to pursue either academic or vocational courses.

131. The State has also provided other means for people to complete their schooling through partnership with the private sector in support of education and culture. Several private universities have been opened in Kuwait, providing educational opportunities in a variety of different subjects.

132. The State also seeks to provide higher education through other channels. These include scholarships for Kuwaitis and non-Kuwaitis (children and spouses of university

teaching staff and auxiliary staff, children and spouses of diplomats and students who are illegal residents; university presidents may also grant scholarships). In the academic year 2018/19, 231 non-Kuwaiti students were admitted. Other channels include internal and external study missions as well as the offset system, which is part of the enrollee system and enables students to enrol themselves in accredited universities while giving them the opportunity to switch to the enrollee system if they fulfil certain conditions.

133. The State admits students with disabilities to university, depending upon their capacities, and it has given non-Kuwaiti students the opportunity to pursue any specialization, at either State-run or private universities, in accordance with certain general provisions and with their abilities. Moreover, the State has allowed students graduating from foreign secondary schools to enter university, in accordance with specific rules.

## 29.

134. The Constitution of Kuwait exalts human rights, which are enshrined in its most fundamental articles. This is an indication of the deep concern Kuwait has for human rights, peace, and security as a way of upholding the values of humankind, without infringing the rule of law. In order to put this into effect, Kuwait has integrated human rights and values into school curricula at all levels of education, bearing in mind the ability of students at the different levels to comprehend such concepts. This helps to create psychological balance in individuals and stability in society. Students are thus raised in a climate permeated with human rights, which are upheld and maintained by the State. As a cornerstone of education, human rights make students aware of their inherent dignity and of the importance of playing an effective role in society.

135. Kuwait has applied this principle in its school curricula, which are rooted in respect for human rights. Teaching covers human-rights related concepts, the importance of such rights, their characteristics and their sources, as well as the role international organizations play in protecting them. This educational methodology covers numerous subjects related to human rights such as the right to life; equality; freedom of belief, opinion and expression; education; women's rights; children's rights and political rights. The methodology has its roots in the State's choice to dedicate special attention to education and to embody the provisions of international charters and treaties into its educational plans at the national level.

136. School curricula at all levels of education dedicate a great deal of space to underlining the importance of human rights. At the elementary level, attention focuses on concepts such as freedom of opinion, thought and expression, the right to education, to health care, to live in peace and to enjoy opportunities for employment. In addition, human rights are translated into activities both inside and outside the school.

137. At the middle level, in addition to the foregoing, greater attention is given to concepts such as anti-extremism, justice and equality in employment and between the genders, and the right to life.

138. At the secondary level, further emphasis is given to values such as anti-extremism, combating persecution and repression, tolerance, equality, justice, participation in decision-making and the right to possession of property and legitimate gain.

139. A special module directly dedicated to human rights is taught at the secondary level with a view to producing students who are familiar with and understand human rights.

140. Furthermore, human-rights related values and concepts have been integrated into the everyday life of educational institutions; for example, by establishing student councils within schools at all levels in which students can use small-scale models to practise the right to vote.

**30.**

141. Minorities and other groups constitute a large part of the national population, numbering three times more than citizens. The State is concerned to guarantee their rights and their participation in the cultural life in society. In fact, article 35 of the Constitution states: "Freedom of belief is unrestricted and the State shall protect the freedom to observe religious rights in accordance with custom, on condition that this does not violate public order or offend decency." In that connection, the following should be noted:

- Minority cultures are recognized as is evident from the number and diversity of foreign and Arab schools (British, American, Indian, Pakistani, Arabic, Armenian, Iranian, Canadian, Filipino, French and German);
- Minority cultures are respected and exponents of those cultures are allowed to organize activities and events in cooperation with the Ministry of Education, the Diwan of the Emir and the Supreme Council for the Arts;
- The Ministry of Information disseminates cultures of all kinds via its programming on Al-Araby and Al-Ithra channels with a view to promoting the constructive integration of minorities, preserving the distinctive character of their cultures and combating discrimination. In addition, in collaboration with the Supreme Council for the Arts, evenings are dedicated to minority cultural events such as music, folklore, exhibitions and the arts;
- Paintings reflecting the cultural identity of minorities are put on display in the Opera House, in order to raise awareness among the public at large;
- For half a century, the annual book fair has been disseminating a message of cultural and linguistic diversity, respect for religions and openness to the customs and traditions of communities and peoples. In the 2017 fair, for example, 500 publishers took part, representing 30 countries and presenting more than 11,000 new titles;
- Activities also take place in schools, such as visits to national museums or research projects into other countries and their religious, social, economic and governmental cultures.

**31.**

142. The antiquities and museums section of the National Council for Culture, Arts and Literature is primarily concerned with developing projects for the preservation of cultural heritage while ensuring that such projects do not impact on the essence or nature of antiquities. It does this as part of a national development plan for the protection and rehabilitation of archaeological sites. The Council also encourages visits to archaeological sites, which are open to everyone.

143. In addition, the National Council for Culture, Arts and Literature has concluded an agreement with the faculty of social sciences at Kuwait University to teach students about the archaeological excavations on Failaka Island, with the assistance and under the supervision of specialists from the National Council's antiquities and museums section. The aim of the initiative is to raise students' cultural awareness regarding the preservation of antiquities.

**32.**

144. The State, via the Ministry of Information, attaches great importance to freedom of opinion and expression including the right to participate in cultural life, freedom of thought, conscience and religion, which are considered to be basic rights for each and every citizen. Those rights, moreover, are enshrined in the Constitution as pertinent to all citizens. It follows therefrom:

- (a) That the Ministry of Information imposes no prior or subsequent censorship over the content of personal websites, nor does the Ministry have any interest in such sites;

(b) That the Ministry of Information imposes no prior censorship on what is published in newspapers or broadcast via satellite channels or media websites; such matters are under the direct control of the judiciary and the role of the Ministry of Information is limited to informing the judiciary if it considers that certain media content has violated the prohibitions stipulated by law; the final word on the matter is then left to the courts;

(c) That the Ministry of Information imposes prior censorship only on books, texts and works of art. This is a way of regulating the use of freedom of opinion and expression, on the grounds that freedom has never been considered as being devoid of all restrictions or as a way to violate the rights of others, and such a control is thus unavoidable. The Ministry has set up a book authorization committee, with 10 members drawn mostly from civil society, and a committee to consider grievances arising from the banning of books. The grievance committee has nine members, also mostly drawn from civil society and it has, on a number of occasions, overturned decisions to ban a particular book and authorized the publication of the work in question. None of these decisions are exempt from judicial review. In fact, the parties concerned can appeal the decisions before the courts which have effectively overturned certain decisions to ban a book. The Ministry implements such decisions as soon as they are issued.

145. The Ministry of Information is currently drafting an amendment to relevant media laws and ministerial decrees, taking account of the recommendation made by the Committee on Economic, Social and Cultural Rights and proposals submitted by members of the National Assembly.

146. The National Council for Culture, Arts and Literature promotes cultural exchanges with other countries through activities and events that aim to bring intellectual and artistic culture to people of all categories. As regards censorship, the National Council for Culture, Arts and Literature does not prohibit the exercise of freedom of expression, opinion, religion and culture, as long as such actions do not violate the Media Act of 2013, which states as follows:

Article 2: Freedom of opinion is guaranteed. Everyone has the right to express their opinion by the spoken or written word, or any other means, in accordance with the conditions set forth in the present Act.

Article 3: Freedom of the press, printing and publishing are guaranteed, in accordance with the conditions set forth in the present Act. Newspapers, audiovisual channels and publication via the Internet shall not be subject to prior censorship.

147. It follows, then, that Kuwait does not impede or restrict the exercise of intellectual and cultural rights and freedoms. Quite the contrary, it encourages intellectual and cultural diversity in the State, as long as this does not encroach upon the Divine Being or the office of the Emir. In areas other than those, Kuwait welcomes the participation of all religious, social, cultural and intellectual groups.

### **33.**

148. One of the State's chief concerns is to provide ongoing cooperation and support for developing countries. In fact, Kuwait strongly believes in providing humanitarian assistance in all economic, the social and the cultural fields. The tables below give details about the assistance provided by the Kuwait Fund for Development:

Table 1  
**Geographical distribution of loans from the Fund during the period 1 January 1962 to 31 December 2016**

<i>Region</i>	<i>No. of countries</i>	<i>No. of loans</i>	<i>Value of loans (in KD)</i>	<i>Value of loans (in US\$)</i>	<i>Percentage of total loans</i>
Arab States	16	345	3 230 750 143	10 984 550 487	55.83
Central Asian and European States	17	62	330 642 831	1 124 158 625	5.71
African States	42	301	1 022 354 425	3 476 005 046	17.67
Eastern and Southern Asian and Pacific States	19	171	1 023 601 117	3 480 243 797	17.69
South American and Caribbean States	12	47	179 920 008	611 728 028	3.10
<b>Total</b>	<b>106</b>	<b>926</b>	<b>5 787 268 524</b>	<b>19 676 712 983</b>	<b>100</b>





Table 2  
**Geographical distribution of loans from the Fund during the period 1 January 1962 to 31 December 2016**

<i>Geographical region</i>	<i>Arab States (1)</i>		<i>Central Asian and European States (17)</i>		<i>African States (42)</i>		<i>Eastern and Southern Asian and Pacific States (19)</i>		<i>South American and Caribbean States (13)</i>		<i>Total (107)</i>		<i>% of total</i>
	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	<i>No. of loans</i>	<i>Value of loans (in US\$)</i>	
Transport	103	2 691 323 346	29	540 502 350	157	1 905 536 646	61	1 208 759 840	33	312 403 045	383	6 658 525 227	33.84
Agriculture	57	1 209 687 287	6	60 044 022	31	297 473 675	27	422 117 897	3	51 826 494	124	2 041 149 374	10.37
Industry	36	719 593 507	1	17 340 000	7	89 564 638	21	425 698 963	0	0	65	1 252 197 108	6.36
Energy	75	3 694 367 373	6	67 418 985	34	429 090 046	43	992 081 101	2	32 947 227	160	5 215 904 732	26.51
Water and sewerage	39	1 467 997 036	13	311 176 541	35	365 538 302	7	132 066 777	8	185 651 262	102	2 462 429 918	12.51
Communications	7	294 630 154	1	8 793 451	6	40 391 077	0	0	0	0	14	343 814 682	1.75
Social	12	485 058 791	5	98 170 276	21	286 110 000	11	294 440 000	1	28 900 000	50	1 192 679 067	6.06
Development banks	15	419 185 253	1	20 740 000	4	32 550 663	1	5 079 219	0	0	21	477 555 135	2.43
Other	1	2 707 739	0	0	6	29 750 000	0	0	0	0	7	32 457 739	0.16
<b>Total</b>	<b>345</b>	<b>10 984 550 486</b>	<b>62</b>	<b>1 124 185 625</b>	<b>301</b>	<b>3 476 005 046</b>	<b>171</b>	<b>3 480 243 797</b>	<b>47</b>	<b>611 728 027</b>	<b>926</b>	<b>19 676 712 982</b>	<b>100</b>
<b>Percentage</b>		<b>55.83</b>		<b>5.71</b>		<b>17.67</b>		<b>17.69</b>		<b>3.11</b>		<b>100</b>	

Table 2  
**Loans in the health-care, education, water and agriculture sectors during the period  
 1 January 1962 to 31 December 2016**

State	Health care		Education		Drinking water		Agriculture		Energy	
	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)
Jordan									3	110 488
Bahrain					1	89 080			1	51 000
Egypt					2	217 600			8	771 800
Lebanon	1	18 700			5	217 600			1	85 000
Mauritania			1	37 400	1	37 400				
Morocco									1	68 000
Sudan					1	68 000	1	85 000	4	324 700
Syria					1	51 000				
Tunisia					1	74 800				
Yemen			2	110 840					3	85 000
Kyrgyzstan	1	20 400								
Uzbekistan	2	45 900								
Bangladesh									1	51 000
Lao PDR							1	23 800	1	24 990
Nepal							1	17 000	1	17 000
Viet Nam	1	11 560					3	41 820		
Maldives					1	10 880				
China	1	30 600	3	98 260						
Pakistan			1	48 620					2	73 100
Sri Lanka			2	44 200						
Argentina					2	99 829 440				
Cuba					2	51 000			1	29 920
Nicaragua	1	28 900								
Mali							1	15 300		
Chad							1	13 600		
Cabo Verde					1	17 000				
Cote d'Ivoire					1	23 800			1	23 800
Niger					1	9 996				
Benin	1	17 000								
Cameroon			1	10 200						
Cabo Verde	1	13 600								
Gambia			2	30 600					1	23 800
Ghana	2	39 100								
Sao Tome and Principe	1	17 000								
Sierra Leone	1	14 450								
Burkina Faso	1	11 220								
Ethiopia					1	22 100				
Lesotho					1	9 996				
Tanzania					1	34 000				
Kenya			1	15 300						

State	Health care		Education		Drinking water		Agriculture		Energy	
	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)	No. of loans	Value of loans (in US\$ x 1,000)
Rwanda	1	12 240	1	13 940						
Seychelles			1	8 500						
Swaziland	1	15 300								
Uganda			1	11 900					1	11 900
Mozambique									1	10 200
Zambia			1	13 600						
South Sudan	1	11 900								
<b>Total</b>	<b>16</b>	<b>307 870</b>	<b>17</b>	<b>443 360</b>	<b>22</b>	<b>1 034 081.44</b>	<b>8</b>	<b>196 520</b>	<b>31</b>	<b>1 761 698</b>
<b>% of total</b>	<b>5.54</b>		<b>7.98</b>		<b>18.62</b>		<b>3.54</b>		<b>31.73</b>	

Annex 9 shows the grants and technical aid provided by the Fund in the period from January 1962 to 2016.

### 34.

149. The decision as to whether or not to adopt an international treaty such as the Protocol to the Covenant is a matter that is left to the discretion of each State, depending upon its circumstances. Since the Protocol includes a series of provisions that would require specific conditions in order to be approved, accession is not currently being examined as a possibility.

### 35.

150. A website has been created within the main portal of the Ministry of Foreign Affairs where, following the interactive dialogue, all reports submitted by Kuwait to the treaty bodies and the concluding observations of those bodies are published and made available to the public at large. In addition, local media outlets provide coverage each time Kuwait appears before a treaty body to submit a report.

151. The committee responsible for preparing and drafting the reports of the State of Kuwait to international human rights bodies has established close ties with civil society institutions. It holds consultative meetings with those bodies to identify any comments or queries they may have vis-à-vis national reports to the human rights treaty bodies.

### 36.

152. The committee responsible for preparing and drafting the reports of the State of Kuwait to international human rights bodies, which is the national mechanism dedicated to preparing all reports with a bearing on human rights, met with civil society institutions during the preparation of the present report. At that meeting, which took place in March 2018, an interactive dialogue was held on a number of matters covered under the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. The civil society representatives were able to express their views on the best ways to contribute to promoting child-related issues and advancing economic and cultural rights.