



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

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Committee against Torture

Concluding observations on the fourth periodic report of Kuwait*

1. The Committee considered the fourth periodic report of Kuwait¹ at its 2138th and 2141st meetings,² held on 29 and 30 October 2024, and adopted the present concluding observations at its 2163rd meeting, held on 15 November 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee also expresses appreciation for having had the opportunity to engage in a constructive dialogue with the delegation of the State party and for the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of:

(a) Decree-Law No. 93 of 2024, amending certain provisions of the Criminal Code established under Act No. 16 of 1960 and Act No. 31 of 1970, to strengthen compliance with the Convention;

(b) Ministerial Decree No. 22 of 2022, aimed at improving the human rights situation of migrant workers, including domestic workers;

(c) Act No. 16 of 2020 on protection against domestic violence;

(d) A decree of the Ministry of Justice, in 2016, to provide accessible channels for reporting and remedying cases of the ill-treatment of children placed in foster care and alternative care institutions.

5. The Committee also welcomes the State party's initiatives to amend its policies and procedures in areas of relevance to the Convention and to ensure greater protection of human rights, including:

(a) The establishment, in 2023, of the National Committee for Protection against Domestic Violence;

* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

¹ CAT/C/KWT/4.

² See CAT/C/SR.2138 and CAT/C/SR.2141.



(b) The launch, in 2023, of the “Support Them” initiative, which is aimed at improving conditions of detention, respect for the rights of inmates and the management of correctional facilities;

(c) The issuance of the Constitutional Court ruling of 16 February 2022 declaring the unconstitutionality of article 198 of the Criminal Code, under which a person who “imitates the opposite sex in any way” committed a criminal offence;

(d) The adoption of the 2020–2025 strategy of the Public Authority for Disability Affairs;

(e) The adoption, in 2018, of the national strategy to combat trafficking in persons and the smuggling of migrants;

(f) The creation, in 2018, of the standing national committee to combat trafficking in persons and the smuggling of migrants.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations,³ the Committee requested the State party to provide information on the implementation of its recommendations on a public statement by the highest State authority condemning the use of torture and ill-treatment, on conditions of detention, on the urgent reinstatement of the de facto moratorium on the application of the death penalty, and on the situation of foreign workers (paras. 14 (a), 23, 27 (a) and 31, respectively). In the light of the information received from the State party on follow-up to those concluding observations, on 2 May 2017,⁴ the information contained in the State party’s fourth periodic report and the additional information provided by the delegation during the dialogue, and with reference to the letter dated 23 October 2018 from the Rapporteur for follow-up to concluding observations to the Permanent Representative of Kuwait to the United Nations Office and other international organizations in Geneva,⁵ the Committee is of the view that the recommendations contained in paragraphs 14 (a), 23 and 31 of the previous concluding observations have been partially implemented and that the recommendation set out in paragraph 27 (a) has not been implemented. The recommendations contained in paragraphs 23, 27 (a) and 31 of the previous concluding observations are addressed in paragraphs 22, 34 and 40 of the present concluding observations.

Legal status and domestic application of the Convention

7. While noting that article 70 (1) of the Constitution establishes that international treaties ratified by the State party acquire the force of law upon publication in the Official Gazette, and taking into account article 70 (2) of the Constitution, which stipulates that international treaties relating to citizens’ public or private rights shall require, for their entry into force, the enactment of a law, the Committee is concerned that certain provisions of the Convention have not been fully incorporated into its national legislation and regrets the lack of information on how potential conflicts between domestic law and the Convention are resolved. It also regrets the lack of examples of cases in which the provisions of the Convention have been invoked before or applied by domestic courts (art. 2).⁶

8. The State party should ensure that the provisions of the Convention are fully incorporated into its domestic legal order and that domestic laws are interpreted and applied in conformity with its obligations under the Convention. It should also provide judicial officials and lawyers with specific training on the Convention and on asserting

³ CAT/C/KWT/CO/3, CAT/C/KWT/CO/3/Corr.1 and CAT/C/KWT/CO/3/Corr.2, para. 46.

⁴ CAT/C/KWT/CO/3/Add.1.

⁵ See

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU L%2FKWT%2F32845&Lang=en.

⁶ CCPR/C/KWT/CO/4, paras. 4 and 5; E/C.12/KWT/CO/3, paras. 4 and 5; CERD/C/KWT/CO/21-24, paras. 19 and 20; and CEDAW/C/KWT/CO/6, paras. 17 and 18.

the rights established in its provisions before the courts. It should include information about specific cases in which the Convention has been applied by or invoked before the domestic courts in its next periodic report.

Definition and criminalization of torture

9. While noting that torture is explicitly prohibited under article 31 of the Constitution and that the offence of torture is not subject to a statute of limitations, the Committee is concerned that torture is still not defined as a distinct crime in the State party's domestic legislation and that article 53 of the Criminal Code provides only for an implicit definition of torture, which is not fully in line with article 1 of the Convention, as it does not refer to punishment as one of the purposes that qualifies an act as torture. The Committee is also concerned that the current maximum penalty for torture is only five years, which runs counter to the requirement set out in article 4 (2) of the Convention that torture should be made punishable by appropriate penalties that take into account its grave nature. Furthermore, the Committee is concerned that there is no clear provision in the State party's legislation to ensure that the prohibition against torture is absolute and non-derogable. In that connection, the Committee wishes to draw the State party's attention to its general comment No. 2 (2007), in which it pointed out that serious discrepancies between the definition in the Convention and that incorporated into domestic law created actual or potential loopholes for impunity (arts. 1, 2 and 4).⁷

10. The State party should amend article 53 of the Criminal Code to explicitly define torture as a distinct crime and ensure that this definition is fully in line with article 1 of the Convention. The State party should also ensure that all acts of torture and ill-treatment are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention. Moreover, the State party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and that it is strictly applied, in accordance with article 2 (2) of the Convention.

Superior orders

11. The Committee is concerned that there is no clear provision in the State party's legislation to ensure that, in accordance with article 2 (3) of the Convention, in no case may an order from a superior officer or authority be invoked as a justification for torture. It is also concerned that the principle of command or superior responsibility for acts of torture and ill-treatment committed by subordinates is not explicitly recognized in domestic law (art. 2 (3)).

12. The State party should ensure that, in accordance with article 2 (3) of the Convention, in no case may an order from a superior officer or authority be invoked as a justification for torture. It should also establish the criminal responsibility of those exercising superior authority for acts of torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, yet failed to take any reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.

Universal jurisdiction

13. The Committee is concerned about the lack of clarity regarding the application of the legal provisions enabling the State party to establish universal jurisdiction over the crime of torture. The Committee also regrets the lack of information on how the State party has exercised in practice its universal jurisdiction over perpetrators of torture present in its territory, in compliance with article 5 of the Convention (arts. 5, 7 and 8).

14. The State party should take all steps necessary to effectively exercise universal jurisdiction over persons allegedly responsible for acts of torture who are present in its territory, if any, if it does not extradite them to another country, in accordance with

⁷ CCPR/C/KWT/CO/4, paras. 26 and 27 (a).

articles 7 and 8 of the Convention. It should also provide information to the Committee on instances in which the Convention has been invoked in judicial decisions regarding extradition and universal jurisdiction, in compliance with article 5 of the Convention.

Fundamental legal safeguards

15. While taking note of the procedural safeguards to prevent torture and ill-treatment that are enshrined in the Code of Criminal Procedure, the Committee is concerned about reports indicating that, in practice, persons in custody are not routinely afforded all fundamental legal safeguards from the very outset of deprivation of liberty. In that respect, it has been reported that: (a) the rights of persons in custody to be informed of the reasons for their arrest, the nature of any charges against them and their rights are sometimes violated; (b) access to lawyers is not guaranteed in practice, particularly during the period of investigation; (c) timely access to an independent medical examination is not a standard practice aimed at uncovering signs of torture and ill-treatment; (d) the right to notify a relative or a person of one's choice is often delayed and sometimes denied; (e) registers of persons deprived of liberty, including details about such persons, are not used systematically and consistently at all stages of detention; (f) suspects can be held in police custody for a maximum period of four days for crimes of a serious nature before being brought before a judge, and there have allegedly been cases in which suspects have been held in custody for longer periods without charge, which may leave them vulnerable to an increased risk of torture or ill-treatment; and (g) the right of the accused to challenge the legality of detention before a judge is not always respected. The Committee is also concerned about the lack of information on the efforts undertaken to include a video or audio monitoring system in interrogation rooms and in places of deprivation of liberty (art. 2).⁸

16. The State party should:

(a) Ensure that all persons deprived of their liberty are afforded, both in law and in practice, all fundamental legal safeguards from the very outset of their detention, including notably:

(i) Being informed, both orally and in writing, and in a language that they understand, of the reasons for their arrest, the nature of any charges against them and their rights;

(ii) Being informed of and having guaranteed their right to be assisted by an independent lawyer of their choice, including during the investigation stage, and to have access to qualified, independent and free legal aid, if necessary;

(iii) Having the right to request and receive a medical examination by an independent medical doctor free of charge, or by a doctor of their choice, upon request, that is conducted out of hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise;

(iv) Having their medical records immediately brought to the attention of a prosecutor whenever the findings therein or allegations made may indicate torture or ill-treatment;

(v) Being able to notify a family member, or any other person of their choice, of their detention;

(vi) Being registered at the place of detention;

(vii) Being able to challenge the legality of their detention at any stage of the proceedings;

(b) Amend its legislation, in particular article 60 of the Code of Criminal Procedure, as amended by Act No. 35 of 2016, to reduce the initial maximum length of time that an accused person can be held in police custody before being brought before a judge to 24 hours, ensure that any extension is limited to exceptional circumstances

⁸ Ibid., paras. 28 and 29 (a).

that are duly justified and provide for the possibility of judicial review of the lawfulness of the detention;

(c) Install video or audio surveillance equipment in all interrogation centres and places of custody, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor;

(d) Provide officials involved in detention-related activities with adequate and regular training on legal safeguards, monitor compliance and penalize any failure on the part of officials to comply.

Incommunicado detention

17. The Committee is concerned about the practice of court-authorized incommunicado detention, in particular the reported use of prolonged incommunicado detention. It also regrets the lack of available official data on documented cases of incommunicado detention and the absence of information on the steps taken to review the practice with a view to its abolition (arts. 2, 11 and 16).

18. The State party should take the legislative measures necessary to put an end to incommunicado detention and to guarantee the rights of all detainees to have access to medical services and family visits and to freely choose a lawyer whom they can consult in complete confidentiality.

Pretrial detention

19. While taking note of the safeguards set out in the Code of Criminal Procedure, the Committee remains concerned about the reported recourse to prolonged pretrial detention in the State party. The Committee is particularly concerned that individuals arrested in the fight against terrorism are reportedly subjected to long periods of pretrial detention before they are brought before a judge. The Committee is further concerned about the lack of a publicly available record of the number of persons held in detention pending investigation or trial (arts. 2, 11 and 16).

20. The State party should:

(a) Ensure that the provisions governing pretrial detention, including statutory limits on the duration of pretrial detention, are respected and that it is resorted to only in exceptional circumstances where it is necessary and no other, less restrictive measures can be applied, for limited periods and in accordance with the law;

(b) Ensure that no detainee is held without the prompt filing of criminal charges, and that all pretrial detainees are brought to trial expeditiously in public trials that meet fundamental due process requirements;

(c) Ensure systematic oversight of the lawfulness of pretrial detention by the Office of the Public Prosecutor, review the case files of all persons held in pretrial detention and immediately release those who have already been in detention for periods exceeding the maximum sentences carried by the offences of which they stand accused.

Conditions of detention

21. While acknowledging the steps taken by the State party to improve conditions in places of detention, including by addressing prison overcrowding through the use of non-custodial alternative measures and the ongoing development of plans to build a new prison, the Committee remains concerned at reports indicating overcrowding and poor material conditions of detention in some places of deprivation of liberty, such as the "Talha" Centre for Deportation and the Central Prison Complex near Kuwait City, in particular insalubrity and inadequate hygiene, dilapidated and old infrastructure, insufficient ventilation and access to daylight, and limited recreational and educational activities to foster rehabilitation. It is also concerned about the limited access to quality healthcare, including mental healthcare, and about the lack of trained and qualified prison staff, including medical staff, which remain serious problems in the prison system. Furthermore, it is concerned about reports indicating harsh treatment of prisoners, including allegations of violent acts

committed by prison staff against detainees. While taking note of the statement made by the delegation of the State party that the review of the Prisons Act of 1962 is ongoing, the Committee remains concerned at reports that the Prisons Act still provides for disciplinary measures for prisoner misconduct that constitute violations of the Convention, such as the use of iron rods for handcuffing or binding of feet “for no more than a month” and the deprivation of certain types of food for a week (arts. 2, 11 and 16).⁹

22. The State party should intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:

(a) **Take further measures to reduce overcrowding in prisons, including by making greater use of alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and continuing to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;**

(b) **Guarantee that the basic needs of persons deprived of their liberty are satisfied, including with regard to water, sanitation, food, ventilation and daylight, and increase the number of trained and qualified prison staff, including medical staff, to ensure the provision of proper healthcare for prisoners, in accordance with rules 24 to 35 of the Nelson Mandela Rules;**

(c) **Facilitate access to recreational and cultural activities, as well as vocational training and education, in places of detention with a view to supporting the rehabilitation of detainees in the community;**

(d) **Ensure that prompt, impartial and effective investigations are undertaken by an independent body into all allegations relating to acts of torture and ill-treatment of prisoners by prison personnel, and that the alleged perpetrators are suspended from duty, prosecuted and adequately punished;**

(e) **Amend article 58 of the Prisons Act of 1962 to put an immediate end to all disciplinary measures involving restraints on movement and deprivation of food.**

Human Rights Diwan and monitoring of detention facilities

23. While noting the activities carried out by the Human Rights Diwan (Diwan Huquq al-Insan) and the establishment, within it, of a standing committee against torture, discrimination and trafficking in persons, the Committee is concerned about the lack of information on the measures taken by the State party to ensure the effective implementation of the Diwan’s recommendations, in particular with regard to follow-up to investigations and prosecutions and the outcome of cases referred by the Diwan to the Office of the Public Prosecutor concerning torture allegations. While noting the information provided by the State party’s delegation that regular and unannounced inspections of prison facilities and other places of deprivation of liberty are conducted by national and international monitoring bodies, such as the Office of the Public Prosecutor, the Human Rights Diwan and the International Committee of the Red Cross, the Committee is concerned about the lack of information on the measures taken to implement the recommendations put forward by these monitoring bodies and to establish an effective independent national system to monitor and inspect all places of deprivation of liberty. Moreover, it remains concerned at reports that the Diwan is not fully independent, since it is placed under the supervision of the Council of Ministers. It also regrets the lack of information regarding the intention of the State party to establish a national human rights institution that is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (arts. 2, 11 and 16).¹⁰

⁹ Ibid., paras. 28 and 29 (b)–(e).

¹⁰ CCPR/C/KWT/CO/4, paras. 6 and 7; E/C.12/KWT/CO/3, paras. 8 and 9; CERD/C/KWT/CO/21-24, paras. 11 and 12; CEDAW/C/KWT/CO/6, paras. 29 and 30; and CRC/C/KWT/CO/3-6, para. 12.

24. **The State party should take legal, institutional and budgetary measures to guarantee the independence of the Human Rights Diwan, in line with the Paris Principles, including by ensuring that it is not placed under the supervision of the Council of Ministers. It should also ensure that monitoring bodies with a mandate to visit places of deprivation of liberty, including the Human Rights Diwan, are able to carry out regular, independent and unannounced visits to all civilian and military places of deprivation of liberty and to communicate confidentially with any persons deprived of their liberty during these visits. It should further establish an effective independent national system to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring. In addition, it should take all measures necessary to ensure the effective implementation of the Diwan's recommendations and, in particular, follow up on complaints of torture lodged with the Diwan, undertake effective investigations and prosecutions of perpetrators and provide redress to victims. Lastly, the State party should consider becoming a party to the Optional Protocol to the Convention against Torture as soon as possible.**

Deaths in custody

25. The Committee regrets the lack of information and statistical data for the period under review on the total number of deaths, including violent deaths, that occurred in places of detention, disaggregated by place of detention, the sex, age and ethnic origin or nationality of the deceased and the cause of death. It is also concerned about allegations that, along with the lack of healthcare, torture and ill-treatment are frequent causes of death in custody. It regrets the lack of information on investigations undertaken in that regard (arts. 2, 11, 12 and 16).

26. **The State party should:**

(a) **Ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and, where appropriate, apply the corresponding sanctions;**

(b) **Assess the effectiveness of strategies and programmes for the prevention of inter-prisoner violence, suicide and self-harm and evaluate the existing programmes for the prevention, detection and treatment of chronic, degenerative and infectious diseases in prisons;**

(c) **Compile and provide to the Committee detailed information on violent incidents and deaths in all places of detention, their causes and the outcomes of the investigations.**

Allegations of torture or ill-treatment and the lack of accountability

27. The Committee is concerned about consistent reports indicating that persons in custody, in particular those accused or suspected of terrorism, human rights defenders and members of minorities, are subjected to torture or ill-treatment by law enforcement officers and other members of the security forces, including those belonging to the General Department of Investigations, the General Department of Drug Control and the State security agency, especially during the arrest, interrogation and investigation phases. The Committee remains deeply concerned at the reported lack of accountability, which contributes to a climate of impunity. In that regard, it regrets that it has not received comprehensive information about cases that have resulted in criminal proceedings and about their outcomes, including the prosecutions carried out, convictions pronounced and the penalties and disciplinary measures imposed on persons convicted for acts of torture and ill-treatment during the period under review. It is also concerned about reports that victims of and witnesses to torture have been reluctant to report cases for fear of harassment and reprisals by the perpetrators, lack of protection and even administrative deportation in the case of foreign residents, and that medical personnel who examine the victims have been reluctant to indicate findings of torture on medical certificates for fear of intimidation or retaliation. Furthermore, the Committee is concerned about reports that there is still no specific, independent, effective and confidential mechanism for the receipt of complaints of torture or

ill-treatment in all places of deprivation of liberty and that existing investigation bodies, principally the Office of the Public Prosecutor, the General Department of Oversight and Inspection and the Human Rights Diwan, lack the necessary independence, as they belong to the same structure that employs the alleged perpetrators (arts. 2, 11–13 and 16).¹¹

28. **The State party should:**

(a) **Ensure that all complaints of torture and ill-treatment are investigated in a prompt, effective and impartial manner by an independent body and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts;**

(b) **Ensure that the authorities open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**

(c) **Ensure that, in cases of torture or ill-treatment, the suspected perpetrators are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, take reprisals against the alleged victim or obstruct the investigation;**

(d) **Ensure that the suspected perpetrators of acts of torture or ill-treatment and the superior officers responsible for ordering or tolerating such acts are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of those acts;**

(e) **Establish an effective and independent police oversight mechanism;**

(f) **Establish an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and prisons, and protect victims, witnesses and members of their families from any risk of reprisals;**

(g) **Ensure the adequate protection of health professionals documenting torture and ill-treatment from intimidation, retaliation and other forms of reprisals, including by ensuring that they are not hierarchically subordinated to the head of the detention facility or other law enforcement organs;**

(h) **Compile and disseminate up-to-date disaggregated statistics on the complaints filed, investigations conducted, prosecutions launched, and convictions handed down in cases involving allegations of torture and ill-treatment.**

Independence of the judiciary

29. While noting the measures taken to strengthen the independence of the judiciary, the Committee expresses its concern at reports that the judiciary continues to lack independence owing to the executive branch's interference in its functioning, including in the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors, which could contribute to impunity, in particular in cases of torture (arts. 2, 12, 13 and 16).

30. **The State party should take all measures necessary to safeguard, in law and in practice, the full independence, impartiality and effectiveness of the judiciary, ensuring that it is free from any kind of pressure or undue interference from other bodies, in particular the executive branch. In doing so, it should ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

Inadmissibility of confessions obtained through torture

31. While taking note of the guarantees set forth in the Code of Criminal Procedure regarding the inadmissibility of evidence obtained under torture or coercion, the Committee regrets the lack of information about court decisions in which confessions obtained through

¹¹ CCPR/C/KWT/CO/4, paras. 26 and 27.

torture or ill-treatment have been disallowed as evidence. It is concerned about reports indicating that torture is routinely used to extract confessions and that confessions obtained through torture are invoked against defendants in court as evidence of their guilt. It is also concerned about consistent reports maintaining that the courts do not investigate complaints of this kind (arts. 2, 15 and 16).

32. The State party should:

(a) **Ensure that confessions and other statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress;**

(b) **Ensure that, when it is alleged that a statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;**

(c) **Ensure that all police officers, State security officers, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**

(d) **Provide the Committee with information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in response.**

Death penalty

33. The Committee remains seriously concerned that, under domestic law, the death penalty is a punishment for a high number of crimes, such as those relating to perjury or forced perjury and drug-related offences, which do not involve intentional killing and thus do not qualify as “the most serious crimes”.¹² It is also deeply concerned that the number of executions has increased since 2022 and about reports suggesting that proceedings leading to the imposition of death sentences are sometimes accompanied by a lack of due process and fair trial guarantees. Furthermore, it is concerned that the provisions of article 48 of the Prisons Act of 1962 stipulate that detainees who face the death penalty should not mix with other detainees, which could give rise to cell isolation practices, including solitary confinement, that violate the provisions of the Convention (arts. 2, 11 and 16).¹³

34. The State party should:

(a) **Review its policy on the death penalty, with a view to reducing the number of capital offences and abolishing the death penalty in law or taking affirmative steps to establish a moratorium on the death penalty, take steps towards commuting to life imprisonment the death sentences of persons who are currently incarcerated on death row, and consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(b) **Revise its legislation to restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing;**

(c) **Ensure that conditions of detention for condemned prisoners do not constitute torture or ill-treatment by taking immediate steps to strengthen legal safeguards and guarantees of due process, including full access to legal assistance, and amend article 48 of the Prisons Act of 1962 to ensure that detainees facing the death penalty are not subjected to solitary confinement and isolation;**

¹² International Covenant on Civil and Political Rights, art. 6 (2); and Human Rights Committee, general comment No. 36 (2018), para. 35.

¹³ CCPR/C/KWT/CO/4, paras. 22 and 23.

(d) **Collect and make publicly available data on the number of death sentences imposed, on the number of executions carried out, on the type of offences for which death sentences are imposed and on the persons sentenced, disaggregated by, inter alia, sex, age and ethnic origin or nationality.**

Non-refoulement and administrative deportations

35. The Committee is concerned about the absence of an adequate legislative and institutional framework ensuring the right to asylum and protection against refoulement for all asylum-seekers entering the country. It is also concerned about reports of individuals seeking or in need of international protection who have been apprehended at the border, detained for entering the territory of the State party illegally, denied their rights to have access to asylum procedures and to have their protection claims examined, and returned to their countries of origin, in violation of the principle of non-refoulement. It is further concerned about reports of a large number of administrative deportations, based sometimes on minor offences or on unclear grounds, which are carried out under the authority of the Ministry of the Interior with no judicial supervision or remedy available. In addition, the Committee is concerned about reports that conditions of pre-deportation detention, including overcrowding, poor material conditions and a lack of access to adequate medical care, do not meet international standards and that the duration of the detention prior to deportation sometimes exceeds the maximum period of 30 days established by law. Moreover, it remains concerned that persons in need of international protection deemed to be unlawfully staying in Kuwait continue to face daily overstay fines unless they leave the country. Lastly, the Committee regrets that the State party has not presented comprehensive information, for the period under review, on: (a) the number of asylum applications received and granted; (b) cases in which return, extradition or expulsion was carried out and the guarantees and risk assessments afforded to such individuals; and (c) the number of persons deported, the reasons for the deportation and the type of deportation (administrative or judicial), the length of detention before deportation and whether the deported person has been able to lodge an appeal before an independent judicial body (arts. 2, 3, 11 and 16).¹⁴

36. The State party should:

(a) **Uphold the principle of non-refoulement by ensuring that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;**

(b) **Pending the adoption of a national legal and institutional framework on asylum in line with international standards, take the measures necessary to enable all individuals seeking or in need of international protection to have an individualized case assessment, irrespective of their country of origin;**

(c) **Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings, including on the basis of an administrative deportation order, are available, in particular reviews of rejections by an independent judicial appeal body;**

(d) **Ensure that the detention of asylum-seekers and undocumented migrants is used only as a last resort, where it is justified as reasonable, necessary and proportionate and for as short a period as possible, and implement alternatives to detention in practice;**

(e) **Ensure that children and families with children are not detained solely because of their immigration status;**

(f) **Improve the material conditions of detention and healthcare services, including psychiatric care, in pre-deportation detention centres and ensure that all detained persons have access to free legal aid and to judicial review or other meaningful and effective avenues to challenge the legality of their detention, and that the duration**

¹⁴ Ibid., paras. 34 and 35; and [CERD/C/KWT/CO/21-24](#), paras. 33 and 34.

of detention prior to deportation does not exceed the maximum period of 30 days established by law;

(g) **Ensure the establishment of effective mechanisms to promptly identify and refer vulnerable asylum-seekers, including victims of torture, to the appropriate services to ensure that they are not detained within the context of deportation operations and that their specific needs are taken into consideration and addressed in a timely manner;**

(h) **Repeal the daily overstay fines for persons in need of international protection deemed to be unlawfully staying in Kuwait;**

(i) **Collect and make available information, in respect of the next reporting period, on the number of asylum applications received and granted; cases in which return, extradition or expulsion was carried out and the guarantees and risk assessments afforded to persons subjected to such procedures; and the number of persons deported, the reasons for and the type of deportation, the length of detention before deportation and whether the deported person has been able to lodge an appeal before an independent judicial body;**

(j) **Consider becoming a party to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.**

Situation of stateless persons (Bidoon)

37. While noting the measures taken by the State party to improve the situation of Bidoon, including by granting Kuwaiti nationality to a number of them in recent years, the Committee remains concerned that they are still considered “illegal residents” by the State party and that they reportedly continue to lack legal recognition, which exposes them to various types of discrimination and ill-treatment. It expresses its deep concern at reports that several Bidoon human rights defenders have been subjected to intimidation, threats, harassment, arbitrary arrest and detention, and torture and ill-treatment in connection with their advocacy activities, and that protests organized by Bidoon have been met with excessive force and arbitrary arrest (arts. 2, 11, 12 and 16).¹⁵

38. **The State party should take all measures necessary:**

(a) **To ensure that Bidoon people and activists working for their human rights are adequately protected against all forms of intimidation, threats, harassment, excessive use of force, deterrence of lawful protests, arbitrary arrest and detention, and torture and ill-treatment to which they may be subjected as a result of their activities;**

(b) **To ensure that prompt, effective and impartial investigations are undertaken, by an independent body, into the allegations of human rights violations perpetrated against Bidoon human rights defenders, to prosecute perpetrators and, if they are convicted, to punish them with appropriate sanctions, and provide victims with effective remedies;**

(c) **To speed up the process of ensuring that no person becomes or remains stateless, by granting citizenship or by issuing identity documents to Bidoon, where appropriate, and to guarantee the right of every child, without exception, to be registered at birth and acquire a nationality;**

(d) **To consider becoming a party to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness.**

Migrant workers, including domestic workers

39. While welcoming the steps taken by the State party to improve the human rights situation of migrant workers, including domestic workers, in particular the protections provided to migrant domestic workers under Act No. 68 of 2015 on domestic workers, the

¹⁵ [CCPR/C/KWT/CO/4](#), paras. 12 and 13; [CERD/C/KWT/CO/21-24](#), paras. 27–30; [E/C.12/KWT/CO/3](#), paras. 16 and 17; and [CEDAW/C/KWT/CO/6](#), paras. 45 and 46.

measures aimed at reducing the control of employers over workers (and therefore limiting the use of the sponsorship (*kafalah*) system) and efforts to investigate complaints of forced labour and ill-treatment and to bring perpetrators to justice, the Committee remains deeply concerned about reports of widespread abuse, exploitation and ill-treatment of migrant workers, including cases involving the murder of migrant domestic workers, physical, sexual and psychological abuse, long working hours without rest, deprivation of food, restriction of movement, confiscation of passports and other personal documents, and denial of annual paid leave, which may amount to forced labour and resemble slavery. The Committee is concerned that these practices are enabled by the *kafalah* system, which places migrant workers in a highly dependent relationship with their employers, and the existence of the offence of “absconding”, which deters domestic workers from reporting abuse or leaving abusive employers. It is also concerned about the lack of judicial remedies, independent complaint mechanisms and effective labour inspections, the reportedly low number of prosecutions and convictions of and lenient penalties imposed on abusive employers, the lack of redress provided to victims and the difficulties that they face in accessing shelters (arts. 2, 11, 12 and 16).¹⁶

40. **The State party should:**

(a) **Investigate all allegations of abuse, exploitation and ill-treatment of migrant workers, including domestic workers, prosecute abusive employers and other responsible persons and, if they are convicted, punish them with appropriate penalties, and provide adequate redress and means of protection, including access to shelters, legal, medical and psychological services and financial compensation, to victims;**

(b) **Revise Act No. 68 of 2015 on domestic workers to provide for the effective protection of domestic workers from abuse, exploitation and ill-treatment, including enforcement mechanisms and adequate penalties for abusive employers;**

(c) **Facilitate access to effective legal remedies, including courts and other dispute resolution mechanisms, with interpretation services, for the protection of the rights of migrant workers and ensure that they can access those remedies without fear of reprisal, detention or deportation;**

(d) **Abolish the *kafalah* system and replace it with a system of residency permits for migrant workers to prevent exploitation, abuse and ill-treatment and facilitate their ability to change employers without risk to or penalty for the worker, particularly in cases of an abusive employer;**

(e) **Repeal the provisions on the crime of “absconding” to ensure that fear of being accused of that crime does not deter migrant domestic workers from leaving abusive employers;**

(f) **Increase the capacity of the labour inspectorate to monitor working conditions on a regular basis in all places of employment, including private homes, ensuring that violations of the law identified during inspections are referred directly to the Office of the Public Prosecutor, so as to prevent impunity and retaliation against workers.**

Training

41. While noting the efforts made by the State party to develop and implement human rights education and training programmes for members of the police, the judiciary and prison staff, the Committee regrets the limited information available on specific training activities on the provisions of the Convention and the contents of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, for forensic doctors and medical personnel dealing with detainees to enable them to detect and document the physical and

¹⁶ [CCPR/C/KWT/CO/4](#), paras. 24, 25, 30 and 31; [CERD/C/KWT/CO/21-24](#), paras. 21–26; [E/C.12/KWT/CO/3](#), paras. 20–23; [CEDAW/C/KWT/CO/6](#), paras. 51 and 52; and [CRC/C/KWT/CO/3-6](#), para. 41.

psychological sequelae of torture. It also regrets that no mechanism for evaluating the effectiveness of training programmes has been established (art. 10).

42. **The State party should:**

(a) **Further develop and implement mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, judicial officials, prison staff, State security agents, military personnel, immigration officials and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;**

(c) **Develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.**

Redress

43. The Committee regrets that the State party did not provide comprehensive information on the measures of redress and compensation ordered by the courts and other State bodies and actually afforded to victims of torture and their families during the reporting period, or on the level of cooperation in this area with specialized non-governmental organizations. It is also concerned about reports indicating the very limited medical and psychosocial rehabilitation, in addition to compensation, received by victims of torture and regrets the lack of information on whether specific rehabilitation programmes have been established for them. The Committee draws the State party's attention to its general comment No. 3 (2012), in which it explains the content and scope of the obligations of States parties to provide full redress to victims of torture (art. 14).

44. **The State party should ensure, in law and in practice, that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, and guarantees of non-repetition, including in cases where the civil liability of the State party is involved. It should also compile and disseminate up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved.**

Gender-based violence

45. While welcoming the measures taken by the State party to combat gender-based violence against women, including the adoption of Act No. 16 of 2020 on protection against domestic violence and the establishment of the National Committee for Protection against Domestic Violence, the Committee is concerned about:

(a) The widespread incidence of gender-based violence, in particular domestic and sexual violence against women and girls;

(b) The fact that the definition of rape set out in article 186 of the Criminal Code is based on the use of force, threat or deception, rather than on the absence of consent, and that marital rape is still not explicitly criminalized;

(c) The prevalence of the underreporting of cases of gender-based violence, owing to cultural barriers and fear of stigmatization, revictimization and impunity;

(d) The reportedly low number of prosecutions and convictions for gender-based violence and the leniency of the penalties imposed (arts. 2 and 16).¹⁷

46. **The State party should:**

(a) **Consider adopting a comprehensive law on gender-based violence to criminalize all forms of violence against women;**

(b) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims or their families receive redress, including adequate compensation and rehabilitation;**

(c) **Amend article 186 of the Criminal Code to align the definition of rape with international standards, basing it on the lack of freely given consent rather than on the use of force, threat or deception, and explicitly criminalize marital rape;**

(d) **Intensify efforts to raise awareness among both men and women, including through educational and media campaigns, of the criminal nature of gender-based violence, including domestic violence, in order to challenge its social acceptance and address the stigma discouraging victims from reporting it;**

(e) **Provide members of the judiciary, prosecutors, police officers and other law enforcement officials with adequate training on women's rights and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence.**

Corporal punishment

47. While noting the explanation provided by the State party's delegation that legal provisions against violence and assault are interpreted as prohibiting all corporal punishment, the Committee is concerned that this practice is not explicitly criminalized in domestic legislation and remains lawful in the form of "mild" chastisement in the home, in day-care and alternative care settings and in detention centres (arts. 2 and 16).¹⁸

48. **The State party should:**

(a) **Prohibit and criminalize corporal punishment in all settings, including in the home, in day-care and alternative care settings and in detention centres, and enforce the prohibition;**

(b) **Repeal or amend all legal provisions, including article 6 of Act No. 21 of 2015 on the rights of the child and article 29 of the Criminal Code, so that they cannot be interpreted as a justification for the use of corporal punishment;**

(c) **Strengthen awareness-raising programmes for parents and professionals working with and for children to promote positive, non-violent and participatory forms of child-rearing.**

Counter-terrorism

49. While acknowledging the State party's national security concerns, the Committee is concerned that anti-terrorism legislation, in particular Act No. 106 of 2013 on money-laundering and the financing of terrorism, contains a definition of terrorism that is vague and overly broad and has reportedly been used to crack down on those critical of the Government. It is further concerned about allegations that persons accused of terrorism are often subjected to arbitrary detention, torture and ill-treatment and that court proceedings in

¹⁷ CEDAW/C/KWT/CO/6, paras. 35 and 36; and CCPR/C/KWT/CO/4, paras. 20 and 21.

¹⁸ CRC/C/KWT/CO/3-6, paras. 24 and 25; CEDAW/C/KWT/CO/6, paras. 35 (h) and 36 (i); and CRPD/C/KWT/CO/1, paras. 30 (a) and 31 (a).

terrorism cases often lack fundamental procedural safeguards to ensure fair trials (arts. 2, 11, 12 and 16).

50. **The State party should:**

(a) **Review the definition of terrorism in Act No. 106 of 2013 and other relevant laws to ensure that it is in line with the Convention and international standards, and ensure that anti-terrorism legislation is not used to restrict the rights enshrined in the Convention;**

(b) **Ensure that all allegations of torture, ill-treatment and other violations committed by public officials against persons accused of involvement in terrorist acts are promptly, impartially and effectively investigated, that those responsible are prosecuted and duly punished, and that victims obtain redress;**

(c) **Ensure that adequate and effective legal safeguards and fair trial guarantees are in place in practice and that no arbitrary arrest or detention is carried out under the guise of countering terrorism.**

Follow-up procedure

51. **The Committee requests the State party to provide, by 22 November 2025, information on follow-up to the Committee's recommendations on measures taken to amend article 58 of the Prisons Act of 1962, on the Human Rights Diwan and monitoring of detention facilities, and on allegations of torture or ill-treatment and the lack of accountability (see paras. 22 (e), 24 and 28 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the present concluding observations.**

Other issues

52. **The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention and withdrawing its reservations to articles 20 and 30 (1) of the Convention.**

53. **The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.**

54. **The Committee requests the State party to submit its next periodic report, which will be its fifth, by 22 November 2028. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.**