



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Kuwait*

I. Introduction

1. The Committee considered the initial report of Kuwait (CRPD/C/KWT/1) at its 493rd and 494th meetings (see CRPD/C/SR.493 and 494), held on 9 and 10 September 2019. It adopted the present concluding observations at its 509th meeting, held on 19 September 2019.

2. The Committee welcomes the initial report of Kuwait, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/KWT/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/KWT/Q/1). The Committee appreciates the dialogue held with the State party's high-level delegation and commends the State party for the strength of its delegation, which included many representatives of relevant government ministries.

II. Positive aspects

3. The Committee commends the steps taken to put in place legislation, entities, policies and programmes, as well as a strong social protection system, to promote and protect the rights of persons with disabilities, including:

(a) The establishment of the National Council for Human Rights, in 2018, as an encouraging effort to begin promoting and monitoring the implementation of the Convention and other international treaties;

(b) The inclusion of goals and targets relating to persons with disabilities in the National Development Plan (2015–2020) and the 2035 Vision development plan;

(c) The adoption of a code of universal design and a national framework for web accessibility.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

4. The Committee notes that the State party has not ratified the Optional Protocol to the Convention and other international human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).



5. **The Committee recommends that the State party ratify the Optional Protocol to the Convention and, bearing in mind the indivisibility of all human rights, encourages the State party to consider acceding to other international human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

6. The Committee is concerned about the State party's:

(a) Reservations to articles 18 (1) (a) and 23 (2) of the Convention;

(b) Interpretative declaration to article 12 (2) of the Convention specifying that the enjoyment of legal capacity should be subject to Kuwaiti law;

(c) Interpretative declarations to articles 19 (a) and 25 (a) of the Convention.

7. **The Committee recommends that the State party:**

(a) **Withdraw its reservations to articles 18 (1) (a) and 23 (2) of the Convention;**

(b) **Withdraw its interpretative declaration to article 12 (2) of the Convention and take legal measures to uphold the right to equal recognition before the law, which implies that all persons with disabilities, including those with psychosocial and intellectual disabilities, enjoy legal capacity on an equal basis with others in all aspects of life;**

(c) **Withdraw its interpretative declarations to articles 19 (a) and 25 (a) of the Convention.**

8. The Committee is concerned that:

(a) The State party's legislation, including Act No. 8/2010 on the rights of persons with disabilities and Act No. 21/2015 on protection of the rights of the child, the Civil Code, the Code of Civil Procedure and the Penal Code, is based on the medical model of disability and does not recognize persons with disabilities as rights holders;

(b) National laws currently in force, particularly Act No. 8/2010, do not encompass social, economic and cultural rights or fundamental civil and political rights, including the rights to life, liberty and security of the person, to political participation and to equal recognition before the law; do not apply to Bidoon and non-Kuwaitis with disabilities; and reflect a narrow concept of disability that excludes persons with psychosocial or intellectual disabilities and does not take into account the existence of barriers in society;

(c) The State party does not have a national disability strategy that is inclusive of non-Kuwaitis with disabilities;

(d) Court verdicts finding in favour of organizations of persons with disabilities and families of persons with disabilities have not been implemented.

9. **The Committee recommends that the State party:**

(a) **Review its policies and legislation, including Act No. 8/2010 and Act No. 21/2015, the Civil Code, the Code of Civil Procedure and the Penal Code, to ensure a full transition to the human rights model of disability, in compliance with the Convention;**

(b) **Take the necessary legal measures to ensure that national legislation, particularly Act No. 8/2010, recognizes the evolving concept of disability as arising from the interaction between persons with impairments and barriers to the full participation of persons with disabilities in society and ensure also that national legislation encompasses the rights of all persons with disabilities, including non-Kuwaitis with disabilities;**

(c) **Take advantage of the 2020–2025 strategy of the Public Authority for Disability Affairs to develop a national strategy on disability and a time-bound action plan based on the human rights model of disability;**

(d) **Ensure full implementation of the court verdicts finding in favour of organizations of persons with disabilities and families of persons with disabilities.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

10. The Committee is concerned that:

(a) The Constitution and Act No. 8/2010 do not explicitly recognize the right to equality, do not explicitly prohibit discrimination on the grounds of disability, including multiple and intersectional forms of discrimination, and do not view the denial of reasonable accommodations as constituting discrimination;

(b) Act No. 8/2010 does not apply to non-Kuwaiti nationals unless they are children of a Kuwaiti woman married to a non-Kuwaiti man;

(c) There are no effective legal remedies for persons with disabilities to claim their rights;

(d) Derogatory language towards persons with disabilities is used in legislation.

11. **The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination and recommends that the State party:**

(a) **Review its legislation, including the Constitution and Act No. 8/2010, to ensure that it prohibits discrimination on the basis of disability, including multiple and intersectional forms of discrimination, and to ensure also that its legislation recognizes and sanctions the denial of reasonable accommodations as constituting discrimination on the basis of disability;**

(b) **Ensure that equality and non-discrimination provisions apply to all persons with disabilities within its territory, including non-Kuwaiti nationals and stateless persons (Bidoon), and review its legislation, including Act No. 8/2010 and the Nationality Act accordingly;**

(c) **Ensure the availability of effective legal remedies for persons with disabilities to claim their rights, including in cases of disability-based discrimination;**

(d) **Remove any derogatory language against persons with disabilities from all legislation, including the Civil Code, the Penal Code and the Code of Civil Procedure.**

Women with disabilities (art. 6)

12. The Committee is concerned about:

(a) The absence of provisions specifically on the rights of women and girls with disabilities in laws, including in Act No. 8/2010, policies and programmes;

(b) Barriers, fostered by misconceptions about disability, hindering the enjoyment of the rights of women and girls with disabilities in all areas of life, in particular in education, marriage and relationships, on an equal basis with others;

(c) The absence of data on the participation of women with disabilities in the labour market;

(d) The absence of measures taken for the advancement, empowerment and development of women and girls with disabilities and for the promotion of their participation in public and political life.

13. **With reference to its general comment No. 3 (2016) on women and girls with disabilities, the Committee recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into its legislation, including Act No. 8/2010, policies and programmes such as the welfare programme, the housing fund and the National Development Plan (2015–2020);**

(b) **Take measures to remove all barriers so that women and girls with disabilities can enjoy their rights to inclusive education, health care and employment, as well as their rights in all matters relating to marriage and relationships, on an equal basis with others, including by taking awareness-raising measures to combat stereotypes, prejudices and misconceptions;**

(c) **Ensure the collection of disaggregated data on women with disabilities in all areas under the Convention;**

(d) **Adopt measures for the advancement, empowerment and development of women and girls with disabilities and promote their participation in public and political life, including by setting and implementing quotas.**

Children with disabilities (art. 7)

14. The Committee is concerned about:

(a) The lack of specific protection for children with disabilities in legislation and policies, including Act No. 8/2010 and Act No. 21/2015;

(b) The absence of a strategy to promote the exercise by girls and boys with disabilities of their freedoms and rights on an equal basis with other children and the lack of systematic information on measures taken and support available to enable children with disabilities reaching adulthood to start an independent life;

(c) Discrimination in law and practice against children with disabilities, particularly those whose parents are Bidoon;

(d) The absence of support measures enabling girls and boys with disabilities to express their views on all matters that concern them;

(e) The absence of data about girls and boys with disabilities, including those whose parents are Bidoon;

(f) The lack of capacity-building programmes on the rights of children with disabilities, in particular for personnel in the health, education and social services sectors.

15. **The Committee recommends that the State party take all steps necessary to promote the realization of the rights of the child for girls and boys with disabilities on an equal basis with others, including those who experience multiple and intersectional forms of discrimination, by:**

(a) **Introducing specific provisions protecting the rights of children with disabilities in Act No. 8/2010 and Act No. 21/2015;**

(b) **Mainstreaming the rights of children with disabilities, including the principle of the best interests of the child, into legislation, policies, plans and programmes regarding children and young persons and providing adequate support for girls and boys with disabilities to help them start an independent life when they reach adulthood;**

(c) **Eliminating all aspects of discrimination in relation to children with disabilities, including those whose parents are Bidoon;**

(d) **Establishing a mechanism that guarantees the full participation of children with disabilities in decision-making processes and policy development to guarantee that services provided to them meet their requirements and to raise the awareness of children with disabilities about their rights, including the right to express their views freely, recognizing the evolving capabilities of children, on all matters affecting them;**

(e) **Strengthening the collection of disaggregated data on children with disabilities, including Bidoon children with disabilities, with a view to developing appropriate public policies in all areas of the Convention;**

(f) **Building the capacity of personnel in the health, education and social service sectors, in particular on the rights of children with disabilities.**

Awareness-raising (art. 8)

16. The Committee is concerned that the lack of awareness about the rights of persons with disabilities among the general population and the prevalence of the medical model of disability create barriers that prevent persons with disabilities from exercising and enjoying their rights, including in relation to education, employment and marriage, and confines them to the home.

17. The Committee recommends that the State party, in close consultation with organizations of persons with disabilities, adopt a national strategy based on the human rights model of disability to foster awareness about the rights of persons with disabilities and to promote a positive image of persons with disabilities and knowledge about their rights under the Convention.

Accessibility (art. 9)

18. The Committee is concerned about:

(a) The lack of effective implementation of the accessibility regulations for buildings and means of transport under Act No. 8/2010 and the fact that the code of universal design has not yet been enacted;

(b) The lack of accessibility of public transport and public and private infrastructure and services provided or open to the public, including for deaf or blind persons and persons with intellectual disabilities;

(c) Barriers faced by persons with disabilities in accessing information and communications technologies.

19. With reference to its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:

(a) **Ensure that the accessibility regulations for buildings and means of transport are effectively implemented in all parts of the State party, including in poor areas, enact the code of universal design without undue delay and establish and enforce monitoring mechanisms and sanctions for non-compliance with the accessibility regulations;**

(b) **Ensure that public transport and public and private infrastructure and services provided or open to the public, particularly those relating to education, health, employment, banking, leisure and cultural and mainstream sporting activities, are fully accessible to all persons with disabilities, including by adopting an adequately resourced accessibility action plan with time frames and monitoring and evaluation criteria;**

(c) **Remove all barriers to accessing information and communications technologies for persons with disabilities, including by enacting the national framework for web accessibility, expanding the use of alternative and augmentative technologies for persons with disabilities and promoting low-cost communications methods for persons with disabilities.**

Right to life (art. 10)

20. The Committee is concerned about the legality and practice of the death penalty and about the execution of persons with disabilities in the State party in disregard of the limits recognized under international law.

21. The Committee urges the State party to abolish the death penalty and immediately halt all executions of persons with psychosocial or intellectual disabilities, in accordance with the limits established under international law. It also recommends that the State party ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Situations of risk and humanitarian emergencies (art. 11)

22. The Committee is concerned about:

(a) The absence of a specific strategy, protocols and tools to prevent, protect, assist and involve persons with disabilities in situations of risk and humanitarian emergencies;

(b) The lack of information on how humanitarian aid, including evacuation systems, transport, shelters and assistive devices, is made accessible to persons with disabilities.

23. **The Committee recommends that the State party:**

(a) **With the participation of organizations of persons with disabilities, design and enact a comprehensive emergency and disaster risk reduction strategy and protocols fully inclusive of and accessible to persons with disabilities in all situations of risk, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030;**

(b) **Adopt measures to ensure that information on evacuation systems, transport, shelters and assistive devices in situations of risk and emergency is provided to persons with disabilities in accessible formats.**

Equal recognition before the law (art. 12)

24. The Committee is concerned about restrictions in legislation to equal recognition before the law and about:

(a) The inclusion of substituted decision-making provisions for persons with disabilities, particularly those with psychosocial or intellectual disabilities, in, among others, article 109 of the Civil Code, and that the inclusion of such provisions deprives persons with disabilities of their legal capacity without providing them with sufficient measures to support them in making decisions;

(b) Barriers faced by persons with disabilities in the exercise of their full legal capacity in all areas of life, including the mandatory assistance of a third person to enable a blind person to open a bank account, among other commercial transactions.

25. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party:**

(a) **Review its legislation, including the Civil Code and Act No. 8/2010, to repeal substituted decision-making regimes, replace them with a supported decision-making regime and introduce supported decision-making mechanisms;**

(b) **Remove all practical barriers faced by persons with disabilities in the exercise of their legal capacity on an equal basis with others, including in relation to property, banking and asset management.**

Access to justice (art. 13)

26. The Committee is concerned about:

(a) The absence of legal stipulations on the provision of procedural and age-appropriate accommodations to persons with disabilities in all legal proceedings;

(b) The lack of information regarding the accessibility of the justice system, including police premises, and the shortage of sign language interpreters;

(c) The absence of accessible information about the rights of persons with disabilities.

27. **The Committee recommends that the State party:**

(a) **Ensure the provision of procedural and age-appropriate accommodations to persons with disabilities;**

(b) **Ensure the accessibility of police and judicial premises, legal aid and an adequate number of sign language interpreters, including in Kuwaiti sign language;**

(c) **Ensure the availability of information about the rights of persons with disabilities in accessible formats, such as Braille and Easy Read, to guarantee that all**

persons with disabilities have full, unrestricted and effective access to justice at all stages of the proceedings.

Liberty and security of the person (art. 14)

28. The Committee is concerned about:

(a) Legislation that allows for the deprivation of liberty, as well as the forced hospitalization, institutionalization and non-consensual treatment, of adults and children with disabilities on grounds of their actual or perceived impairment, including because they are deemed dangerous to themselves or others;

(b) Persons with disabilities, in particular persons with psychosocial or intellectual disabilities, being deprived of their liberty in residential and mental health facilities;

(c) The lack of measures taken to ensure individualized accommodation for persons with disabilities deprived of their liberty.

29. **The Committee recommends that the State party:**

(a) **Repeal all laws authorizing the deprivation of liberty, as well as the forced hospitalization, institutionalization and non-consensual treatment, of adults and children with disabilities on grounds of their actual or perceived impairment;**

(b) **Take immediate measures to end the forced deprivation of liberty based on impairment, including in residential and mental health facilities;**

(c) **Take measures to ensure the provision of individualized accommodation to persons with disabilities deprived of their liberty.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

30. The Committee is concerned about:

(a) The lack of measures to prevent the torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities, including non-consensual medical treatment in detention and corporal punishment in all settings;

(b) Conditions of detention of persons with disabilities, in particular persons with disabilities awaiting execution, that amount to cruel, inhuman or degrading treatment or punishment;

(c) Living conditions in residential and mental health facilities resulting from the lack of accessibility and individualized accommodations;

(d) The absence of data on any complaints of the torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities.

31. **The Committee recommends that the State party:**

(a) **Prohibit all forms of corporal punishment in all settings, ensure that persons with disabilities receive medical treatment on the basis of their free and informed consent and train mental health professionals, law enforcement and prison officials on respecting the rights of persons with disabilities in mental health facilities, prisons and detention centres;**

(b) **Guarantee that the conditions of detention of persons with disabilities, in particular persons with disabilities awaiting execution, respect the inherent dignity of those detained;**

(c) **Establish an independent mechanism, involving persons with disabilities through their representative organizations, to monitor all places where persons with disabilities may be deprived of their liberty;**

(d) **Ensure that persons with disabilities have access to independent, accessible and available complaints mechanisms, effectively investigate cases of**

torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities, prosecute and punish those responsible and systematically collect data on such cases.

Freedom from exploitation, violence and abuse (art. 16)

32. The Committee is concerned about the lack of:

(a) A law specifically prohibiting domestic and sexual violence, including marital rape;

(b) Measures to prevent exploitation, violence and abuse against persons with disabilities, including an independent mechanism for monitoring facilities and programmes for persons with disabilities;

(c) Training on preventing, identifying and addressing violence against persons with disabilities;

(d) Complaints of exploitation, violence and abuse against persons with disabilities, including in private settings, which does not necessarily mean that such phenomena do not occur;

(e) Data on the protection of persons with disabilities, especially women and girls with disabilities, from exploitation, violence and abuse.

33. **The Committee recommends that the State party:**

(a) **Take the legislative measures necessary to prohibit domestic and sexual violence, to criminalize acts of domestic and sexual violence, including marital rape, to prosecute those responsible and to end practices that force victims to marry their perpetrators;**

(b) **Establish an independent monitoring mechanism, involving persons with disabilities through their representative organizations, to monitor all facilities and programmes designed to serve persons with disabilities, including institutions;**

(c) **Provide training to persons with disabilities, their families, health personnel and law enforcement officials on recognizing all forms of exploitation, violence and abuse and on seeking redress;**

(d) **Establish independent, accessible and available complaints mechanisms and hotlines, effectively investigate cases of exploitation, violence and abuse of persons with disabilities, prosecute and punish those responsible and strengthen the collection of data on violence against persons with disabilities;**

(e) **Ensure the provision, including in institutions, of inclusive victim support services that are sensitive to the age, gender and disability of the victim.**

Protecting the integrity of the person (art. 17)

34. The Committee is concerned about the lack of information on whether certain medical interventions, including the sterilization of persons with disabilities, especially women and girls with psychosocial or intellectual disabilities, are being carried out without the free and informed consent of the person concerned.

35. The Committee recommends that the State party protect persons with disabilities, especially women and girls with psychosocial or intellectual disabilities, from forced sterilization, in law and in practice, and that it ensure that the right to free and informed consent prior to all interventions and treatments is upheld and that supported decision-making mechanisms and strengthened safeguards are provided.

Liberty of movement and nationality (art. 18)

36. The Committee is concerned about:

(a) The lack of information on the appropriate support and individualized accommodations available to migrants, refugees and asylum seekers with disabilities in immigration proceedings;

(b) The lack of information on the nationality status of Bidoons with disabilities, on the registration of the births of Bidoon children with disabilities and on the extent to which such children are able to enjoy their rights and access services.

37. The Committee recommends that the State party:

(a) **Strengthen the support and individualized accommodations available to migrants, refugees and asylum seekers with disabilities in immigration proceedings;**

(b) **Ensure that all Bidoons with disabilities, including children, enjoy the right to acquire a nationality and that they are registered immediately after birth, have access to services and are able to exercise the rights under the Convention.**

Living independently and being included in the community (art. 19)

38. The Committee is concerned about the existence of segregated institutions for persons with disabilities, particularly children with disabilities, and the lack of:

(a) A strategy to promote the rights of persons with disabilities to live independently, choose their place of residence and be included in the community, including with personal assistance;

(b) Access to community-based services and facilities, including housing, for Kuwaiti women who are married to non-Kuwaitis with disabilities or who have children with disabilities.

39. Recalling its general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:

(a) **In close consultation with and with the active involvement of organizations of persons with disabilities, adopt and implement a time-bound and adequately resourced deinstitutionalization strategy and action plan for all children and adults with disabilities in favour of non-residential services, community-based supported living arrangements, including personal assistance, and a ban on new admissions in segregated institutions;**

(b) **Ensure equal access to mainstream community-based services and facilities, including housing, for persons with disabilities, including women with disabilities, regardless of their marital status, origin and nationality.**

Personal mobility (art. 20)

40. The Committee is concerned about:

(a) The absence of a national policy on mobility for persons with disabilities that provides for audible signal indicators at street crossings, especially for blind persons;

(b) The lack of personnel trained in imparting mobility skills to persons who are blind or otherwise visually impaired.

41. The Committee recommends that the State party:

(a) **Adopt a national policy with adequate measures, in close consultation with and with the active involvement of representative organizations of persons with disabilities, to address the mobility needs of persons with disabilities, including the acquisition of mobility devices;**

(b) **Train the necessary personnel to impart mobility skills to persons who are blind or visually impaired.**

Freedom of expression and opinion, and access to information (art. 21)

42. The Committee is concerned about:

(a) The absence of a coherent policy to promote and protect the right of access to information and communications in accessible formats, including Braille, accessible digital formats and Easy Read;

(b) The limited use of sign language and the lack of recognition of Kuwaiti sign language.

43. **The Committee recommends that the State party:**

(a) **Develop a coherent policy to ensure access to information and communications in accessible formats, including Braille, accessible digital formats and Easy Read;**

(b) **In close consultation with and with the active participation of organizations of deaf persons, raise awareness about sign language and promote the learning of sign language, the availability of qualified sign language interpreters and the use of sign language in all settings, particularly in education, the workplace and community settings;**

(c) **Recognize and use Kuwaiti sign language as an official language, having due regard for the language of communication of choice of persons with disabilities.**

Respect for home and the family (art. 23)

44. The Committee is concerned about:

(a) Legislation that restricts marriage on the basis of disability and requires a prenuptial medical examination;

(b) The lack of information on the measures taken to prevent the abandonment, neglect and institutionalization of children with disabilities.

45. **The Committee recommends that the State party:**

(a) **Repeal legislation restricting marriage on the basis of disability and requiring a prenuptial medical examination, ensure that all women and men with disabilities are able to enjoy their rights to marriage, a family, adoption and parenthood on an equal basis with others and with their free consent;**

(b) **Ensure support to parents with disabilities and to families of children with disabilities, including Bidoon families, families of Kuwaiti women married to non-Kuwaiti nationals and non-Kuwaiti families, and ensure access to inclusive community-based services and alternative care in family settings for all children with disabilities, regardless of their origins.**

Education (art. 24)

46. The Committee is concerned about:

(a) The lack of measures taken to promote inclusive education, to ensure the provision of individualized support and to prohibit the denial of reasonable accommodation to all children with disabilities in mainstream schools;

(b) The right to inclusive education being limited to students with certain kinds of impairments while others are relegated to segregated classes within mainstream schools and to segregated schools;

(c) The lack of disaggregated data on children with disabilities deprived of an education.

47. **Recalling its general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the State party:**

(a) **Adopt the necessary legal and other measures to ensure the right of all children with disabilities, including non-Kuwaiti and Bidoon children with disabilities, to free, quality and inclusive education at all levels of education;**

(b) **Take advantage of the road map for inclusive education developed by the Public Authority for Disability Affairs to redirect resources from segregated educational settings towards quality, inclusive education with the provision of reasonable accommodation and individual supports, accessible environments and curricula, for all students with disabilities in mainstream schools, and mandatory in-service training of all teachers and all staff in education facilities on quality, inclusive education;**

(c) **Collect data, disaggregated by age, gender, nationality, disability and geographical area, on children with disabilities in and out of education in both mainstream and special education schools and on enrolment and dropout rates.**

Health (art. 25)

48. The Committee is concerned about:

(a) **Insufficient access to quality and affordable health-care services for Bidoon and non-Kuwaiti children and adults with disabilities, who are therefore obliged to seek private health care at their own expense;**

(b) **The shortage of health professionals trained in the rights of persons with disabilities;**

(c) **The fact that the State party, including during the dialogue and in its initial report submitted to the Committee, does not clearly separate those issues that affect all aspects of the lives of persons with disabilities from issues that pertain strictly to their health – including access to health-care facilities, services and equipment, access to information and to accessible formats, modes and means of communication, and the training of personnel – and that there is a narrow focus on habilitation and rehabilitation.**

49. **The Committee recommends that the State party:**

(a) **Ensure that all persons with disabilities, including Bidoon and non-Kuwaiti children with disabilities, can access health-care services, including sexual and reproductive health-care services, throughout the State party;**

(b) **Build the capacity of health professionals on the rights of persons with disabilities, including their right to give their free and informed consent, through systematic training and awareness-raising programmes;**

(c) **Take the measures necessary to ensure that persons with disabilities have access to health facilities, services and equipment, including physical accessibility, and access to information and to accessible formats, modes and means of communication, and train staff on the health requirements of persons with disabilities.**

Habilitation and rehabilitation (art. 26)

50. The Committee is concerned that policies on habilitation and rehabilitation overemphasize health-related issues. It is also concerned about the insufficient number of rehabilitation centres given that there is a waiting list of persons with disabilities who need rehabilitation. It is further concerned that the provision of free-of-charge assistive devices is limited to the provision of hearing aids and several categories of wheelchairs.

51. **The Committee recommends that the State party:**

(a) **Develop comprehensive, cross-sectoral habilitation and rehabilitation services and programmes that are based on the principles of participation and inclusion, in particular in the areas of health, employment, education and social services, and that are available to persons with disabilities, including non-Kuwaiti persons with disabilities, in or as close as possible to their own communities;**

(b) **Establish new comprehensive rehabilitation centres in order to accommodate all those on the waiting list;**

(c) **Expand its provision of assistive devices and technical aids taking into account the priority assistive products list of the World Health Organization and**

ensure accessible and fair reimbursement schemes in order to prevent any additional costs or administrative burdens for persons with disabilities.

Work and employment (art. 27)

52. The Committee is concerned about the lack of:

- (a) Inclusive employment policies and the low employment rate of persons with disabilities, despite the quota on their employment in the public, private and oil sectors;
- (b) Employment opportunities for non-Kuwaiti persons with disabilities;
- (c) Information on sanctions that have been effectively imposed for non-compliance with the employment quota system and for the denial of reasonable accommodations, as well as on monitoring mechanisms available to persons with disabilities to address discrimination in matters related to employment and conditions of work;
- (d) Disaggregated data on persons with disabilities in employment.

53. **The Committee recommends that the State party:**

- (a) **Take advantage of the strategy to employ persons with disabilities developed by the Public Authority for Disability Affairs to increase and develop employment opportunities in the open labour market, develop specific measures to increase the inclusion of persons with disabilities, including by ensuring the implementation of the 4 per cent quota, by providing individualized support and by prohibiting the denial of reasonable accommodations at all stages of employment, including recruitment, promotion and vocational training, for all persons with disabilities, including non-Kuwaitis with disabilities, and impose sanctions on employers in cases of non-compliance;**
- (b) **Establish mechanisms to effectively address discrimination in all matters related to employment and conditions of work;**
- (c) **Strengthen the collection of data on persons with disabilities in formal employment, disaggregated by age, gender, nationality, disability, geographical area and employment sector.**

Adequate standard of living and social protection (art. 28)

54. The Committee is concerned about:

- (a) Barriers to accessing the social protection scheme for persons with disabilities, including non-Kuwaitis and Bidoon with disabilities;
- (b) The fact that many disability benefits are not given to persons with disabilities themselves but allocated to caregivers, which has reportedly resulted in the misuse of funds in certain cases and in persons with disabilities being discouraged from seeking education and employment opportunities;
- (c) The lack of data on Bidoon with disabilities living in the State party, including those living in poverty and those who have acquired a disability in the State party.

55. **Recalling its general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:**

- (a) **Review its social protection scheme to ensure that all persons with disabilities, including non-Kuwaitis and Bidoon with disabilities, can access it, that funding for independent living, including disability allocations, is controlled and allocated to persons with disabilities and that benefits are preserved for those in education and employment in order to promote independence, inclusion and participation;**
- (b) **Ensure the systematic collection of up-to-date and appropriately disaggregated data, including statistical and research data, on the situation of Bidoon**

with disabilities, including data on the prevalence of poverty and on access to housing, social protection and poverty reduction programmes;

(c) Adhere to article 28 of the Convention in the implementation of target 10.2 of the Sustainable Development Goals.

Participation in political and public life (art. 29)

56. The Committee is concerned about:

(a) Discriminatory restrictions on the right to vote of persons with psychosocial or intellectual disabilities and persons with disabilities under guardianship resulting from denial of their legal capacity;

(b) The lack of accessible voting procedures, facilities and materials for all persons with disabilities;

(c) The lack of persons with disabilities in public office;

(d) The absence of mechanisms to consult and directly engage with persons with disabilities or their representative organizations, with the result that such persons and organizations are rarely involved in decision-making and rarely have their opinion heard.

57. **The Committee recommends that the State party:**

(a) **Take advantage of the review of the electoral law (Act No. 35/1962) to revise all other relevant laws and regulations to ensure that all persons with disabilities, including those with psychosocial or intellectual disabilities, can effectively enjoy their right to vote and stand for election, strengthen the accessibility of the voting environment, including ballots, booths and polling stations, make election materials available in accessible formats, such as Braille, sign language and Easy Read, and introduce individualized accommodations for persons with disabilities who are unable to attend polling stations in person, including through assistance by a person of their choice;**

(b) **Train election officials on the right of persons with disabilities to vote and participate in elections with individualized accommodations and support, in the exercise of their legal capacity;**

(c) **Promote the participation of persons with disabilities, especially women with disabilities, in all areas of public and political life, including the National Assembly;**

(d) **Establish mechanisms for carrying out ongoing and systematic consultations with and participation of organizations of persons with disabilities.**

Participation in cultural life, recreation, leisure and sport (art. 30)

58. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It is also concerned about the lack of information about measures taken to:

(a) Promote deaf culture and the linguistic identity of persons who are deaf;

(b) Ensure access to all cultural, recreational, tourism-related and sporting events and services for children and adults with disabilities;

(c) Ensure equal access to and the full inclusion and participation of persons with disabilities in all mainstream sporting activities and facilities.

59. **The Committee recommends that the State party ratify and implement the Marrakesh Treaty. It also recommends that the State party:**

(a) **In close consultation with and with the active participation of organizations of deaf persons, promote deaf culture and the linguistic identity of persons who are deaf;**

(b) **Ensure the accessibility of cultural, recreational, tourism-related and sporting events and services in the public and private sectors, beyond those specifically dedicated to persons with disabilities, to children and adults with disabilities;**

(c) **Ensure equal access to and the full inclusion and participation of persons with disabilities in all mainstream sporting activities and facilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

60. The Committee is concerned about a serious lack of disaggregated data on persons with disabilities, including non-Kuwaitis and Bidoon with disabilities.

61. **The Committee recommends that the State party:**

(a) **Systematically collect, analyse and disseminate data, disaggregated by gender, age, ethnicity, nationality, disability, socioeconomic status, employment and place of residence, on the fulfilment of the rights of all persons with disabilities, including non-Kuwaitis and Bidoon with disabilities, in all areas of the Convention;**

(b) **Take into consideration the short set of questions of the United Nations Children’s Fund/Washington Group on Disability Statistics module on child functioning in preparing the national census, household surveys, disability-specific surveys and other demographic surveys, as relevant.**

International cooperation (art. 32)

62. The Committee is concerned about the lack of:

(a) International cooperation programmes and policies accessible to persons with disabilities;

(b) Mechanisms for the consultation and involvement of organizations of persons with disabilities in the design and implementation of international cooperation agreements, projects and programmes.

63. **The Committee recommends that the State party:**

(a) **Mainstream the rights of persons with disabilities in all international cooperation efforts, including those supported by the Kuwait Fund for Arab Economic Development;**

(b) **Establish mechanisms to ensure that persons with disabilities, through their representative organizations, participate effectively and are fully included and consulted in the design, implementation, monitoring and evaluation of international cooperation programmes, including in the monitoring of the 2030 Agenda for Sustainable Development, the National Development Plan (2015–2020) and the 2035 Vision development plan.**

National implementation and monitoring (art. 33)

64. The Committee is concerned about the absence of an independent mechanism for monitoring the implementation of the Convention.

65. **The Committee recommends that the State party designate an independent monitoring mechanism that is in full compliance with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles), that is independent from the executive branch, in particular the Council of Ministers, and that has sufficient and appropriate resources for its operation. The Committee also recommends that the State party ensure that monitoring activities are carried out in close consultation with and with the active participation of organizations of persons with disabilities.**

IV. Follow-up

Dissemination of information

66. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraph 9, on general principles and obligations.

67. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

68. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

69. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next periodic report

70. The Committee requests the State party to submit its second periodic report by 22 September 2023 and to include in it information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned report under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.