



General Assembly

Distr.: General
24 June 2020
English
Original: Arabic

Human Rights Council
Forty-fourth session
15 June–3 July 2020
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Kuwait

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies by the State under review**

* The present document is being issued without formal editing.



Responses of the State of Kuwait to the recommendations

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.1	Rejected
157.2	Rejected
157.3	Rejected
157.4	Rejected
157.5	Rejected
157.6	Rejected
157.7	Rejected
157.8	Rejected
157.9	Rejected
157.10	Rejected
157.11	Rejected
157.12	Rejected
157.13	Rejected
157.14	Rejected
157.15	Rejected
157.16	Rejected
157.17	Accepted
157.18	Accepted
157.19	Accepted
157.20	Accepted
157.21	Accepted
157.22	Accepted
157.23	Accepted
157.24	Accepted
157.25	Accepted
157.26	Accepted
157.27	Accepted
157.28	Accepted
157.29	Accepted
157.30	Accepted
157.31	Note taken

Kuwait will consider acceding to the two remaining major human rights conventions in the future, but not during the current session, as legislative amendments are required to facilitate accession to the conventions.

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.32	Accepted
157.33	Accepted
157.34	Accepted
157.35	Rejected
157.36	Rejected
157.37	Rejected
157.38	Accepted
157.39	Note taken Although Kuwait has signed the Rome Statute of the International Criminal Court, it has not yet been ratified by the legislature for numerous constitutional and legal reasons. Kuwait is therefore not a State party to the Statute of the International Criminal Court, but is an observer State entitled solely to follow the Court's work and the proceedings of the Assembly of States parties without actually participating therein. The signature by Kuwait of the Rome Statute does not entail any treaty obligations or effects, as set out in articles 125 and 126 of the Statute.
157.40	Rejected
157.41	Rejected
157.42	Rejected
157.43	Rejected
157.44	Accepted
157.45	Accepted
157.46	Accepted
157.47	Accepted
157.48	Accepted
157.49	Partially supported The parts concerning the release of those detained for exercising these rights who have not been sentenced by a court and the continued protection of freedoms of associations, peaceful assembly and expression are accepted, without having to amend the laws. The amendment of laws is subject to the approval of the legislature represented in the National Assembly.
157.50	Accepted
157.51	Accepted
157.52	Accepted
157.53	Accepted
157.54	Accepted
157.55	Accepted
157.56	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.57	Partially supported The first part, concerning the definition of domestic violence as a crime with proportional penalties, is accepted, while the second part, concerning sexual violence and marital rape, is rejected.
157.58	Rejected
157.59	Accepted
157.60	Accepted
157.61	Accepted
157.62	Accepted
157.63	Partially supported The first part, concerning the abolition of provisions of articles of the Criminal Code, is rejected. The second part, concerning the creation of effective and independent complaints mechanisms, is accepted.
157.64	Accepted
157.65	Accepted
157.66	Note taken It is noted that the laws in question are in line with the obligations of Kuwait and therefore do not need to be amended.
157.67	Note taken The State of Kuwait guarantees the right to form non-governmental organizations, the right to peaceful assembly and freedom of expression. All restrictions and measures taken in respect of freedom of opinion are compliant with the standards and provisions of the International Covenant on Civil and Political Rights, and it is not necessary to amend any laws.
157.68	Accepted
157.69	Accepted
157.70	Accepted
157.71	Accepted
157.72	Accepted
157.73	Accepted
157.74	Accepted
157.75	Accepted
157.76	Rejected
157.77	Rejected
157.78	Rejected
157.79	Rejected
157.80	Accepted
157.81	Accepted
157.82	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.83	Rejected
157.84	Note taken The Constitution of Kuwait enshrines the principle of non-discrimination between men and women. Many measures have been taken to establish the principle of non-discrimination and gender equality, except with regard to matters that are contrary to Islamic law.
157.85	Rejected
157.86	Rejected
157.87	Accepted
157.88	Accepted
157.89	Rejected
157.90	Rejected
157.91	Accepted
157.92	Accepted
157.93	Accepted
157.94	Rejected
157.95	Accepted
157.96	Accepted
157.97	Accepted
157.98	Accepted
157.99	Accepted
157.100	Accepted
157.101	Accepted
157.102	Accepted
157.103	Accepted
157.104	Accepted
157.105	Accepted
157.106	Accepted
157.107	Accepted
157.108	Accepted
157.109	Accepted
157.110	Accepted
157.111	Accepted
157.112	Accepted
157.113	Accepted
157.114	Accepted
157.115	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.116	Accepted
157.117	Rejected
157.118	Rejected
157.119	Rejected
157.120	Rejected
157.121	Rejected
157.122	Partially supported The first part, on the enactment of legislation to prevent domestic violence, is accepted, while the second part, on gender-based violence, is rejected.
157.123	Rejected
157.124	Rejected
157.125	Accepted
157.126	Rejected
157.127	Accepted
157.128	Rejected
157.129	Accepted
157.130	Accepted
157.131	Rejected
157.132	Rejected
157.133	Rejected
157.134	Accepted
157.135	Accepted
157.136	Accepted
157.137	Accepted
157.138	Accepted
157.139	Accepted
157.140	Accepted
157.141	Accepted
157.142	Accepted
157.143	Accepted
157.144	Accepted
157.145	Accepted
157.146	Accepted
157.147	Accepted
157.148	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.149	Accepted
157.150	Note taken The State of Kuwait guarantees the right to form non-governmental organizations and the right to peaceful assembly, without having to amend the laws.
157.151	Rejected
157.152	Note taken Act No. 109 of 2014 grants individuals direct access to the Constitutional Court, allowing them to bring their constitutional disputes directly before it. The Court has the right to overturn any law that violates the safeguards enshrined in the Constitution. The effect of such a piece of legislation on the protection of public rights and freedoms is self-evident, including when it comes to the protection of human rights defenders, journalists and bloggers from persecution and harassment. Specialized technical bodies have been created, most recently the National Human Rights Commission and the Anti-Corruption Authority. They have been provided with mechanisms allowing them to receive complaints concerning acts of persecution or harassment and to take the necessary action in response. All violations are subject to review by the regular courts.
157.153	Accepted
157.154	Accepted
157.155	Accepted
157.156	Accepted
157.157	Accepted
157.158	Accepted
157.159	Accepted
157.160	Accepted
157.161	Accepted
157.162	Accepted
157.163	Note taken The term “sponsor” does not appear in the provisions of Act No. 6/2010 on private sector employment or in the decrees issued thereunder. The legal term used is “employer”. The relationship between the employer and the worker is a contractual relationship regulated by national legislation and the relevant implementing decrees. Accordingly, the Public Authority for the Workforce has issued a number of decrees aimed at reducing the authority of employers over their employees. These decrees include: (1) Decree No. 552 of 2018 on the promulgation of regulations, rules and procedures for granting work permits. (2) Decree No. 535/2015, which limits the number of hours that may be worked in exposed areas and prohibits work at noon. (3) Decree No. 201 of 2011, which criminalizes forced labour.

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
	(4) Decree No. 842/2015, which sets the conditions whereby workers may transfer from one employer to another, as amended by Decree No. 1024/2016.
	(5) Act No. 32 of 2016, amending certain provisions of Act No. 6 of 2010, which increases the penalties that may be imposed on employers who violate the Labour Code and its implementing decrees.
157.164	Accepted
157.165	Accepted
157.166	Accepted
157.167	Accepted
157.168	Accepted
157.169	Accepted
157.170	Accepted
157.171	Accepted
157.172	Accepted
157.173	Accepted
157.174	Accepted
157.175	Accepted
157.176	Accepted
157.177	Accepted
157.178	Accepted
157.179	Accepted
157.180	Accepted
157.181	Accepted
157.182	Accepted
157.183	Accepted
157.184	Accepted
157.185	Accepted
157.186	Accepted
157.187	Accepted
157.188	Accepted
157.189	Accepted
157.190	Accepted
157.191	Accepted
157.192	Accepted
157.193	Accepted
157.194	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.195	Accepted
157.196	Accepted
157.197	Accepted
157.198	Accepted
157.199	Accepted
157.200	Accepted
157.201	Accepted
157.202	Accepted
157.203	Accepted
157.204	Accepted
157.205	Accepted
157.206	Accepted
157.207	Accepted
157.208	Accepted
157.209	Accepted
157.210	Accepted
157.211	Partially supported The first part, on addressing discrimination and violence against women, is accepted. Kuwaiti legislation prohibits domestic violence against women in all its forms, and the courts compensate victims through existing laws. The part on gender-based violence is rejected.
157.212	Accepted
157.213	Rejected
157.214	Accepted
157.215	Accepted
157.216	Accepted
157.217	Accepted
157.218	Accepted
157.219	Accepted
157.220	Accepted
157.221	Accepted
157.222	Accepted
157.223	Accepted
157.224	Accepted
157.225	Accepted
157.226	Accepted
157.227	Rejected

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.228	Accepted
157.229	Accepted
157.230	Accepted
157.231	Rejected
157.232	Accepted
157.233	Accepted
157.234	Accepted
157.235	Accepted
157.236	Accepted
157.237	Accepted
157.238	Accepted
157.239	Partially supported The first part, on ensuring full equality between men and women, is rejected, while the second part, on criminalizing domestic violence, is accepted.
157.240	Accepted
157.241	Accepted
157.242	Accepted
157.243	Accepted
157.244	Accepted
157.245	Rejected
157.246	Accepted
157.247	Accepted
157.248	Accepted
157.249	Accepted
157.250	Accepted
157.251	Accepted
157.252	Accepted
157.253	Note taken Any judgment imposing the death penalty is subjected by the Kuwaiti legislature to a number of safeguards, including a prohibition on carrying out a death sentence against a pregnant woman. By law, if she delivers a live infant, the death sentence is suspended and the case is referred back to the court that imposed the death penalty so that it can be commuted to a term of life imprisonment, in accordance with article 59 of Act No. 16 of 1960 promulgating the Criminal Code of Kuwait. The father does not benefit from this mitigating factor during sentencing and nor does a mother who is not pregnant at the time the sentence is carried out.
157.254	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.255	Accepted
157.256	Accepted
157.257	Rejected
157.258	Accepted
157.259	Accepted
157.260	Accepted
157.261	Accepted
157.262	Accepted
157.263	Accepted
157.264	Accepted
157.265	Accepted
157.266	Accepted
157.267	Accepted
157.268	Accepted
157.269	Accepted
157.270	Accepted
157.271	Accepted
157.272	Accepted
157.273	Accepted
157.274	Accepted
157.275	Accepted
157.276	Accepted
157.277	Accepted
157.278	Accepted
157.279	Accepted
157.280	Rejected
157.281	Accepted
157.282	Accepted
157.283	Accepted
157.284	Accepted
157.285	Accepted
157.286	Accepted
157.287	Accepted
157.288	Accepted
157.289	Accepted
157.290	Accepted

<i>Recommendation No.</i>	<i>Position of Kuwait</i>
157.291	Accepted
157.292	Accepted
157.293	Note taken There are no stateless persons in Kuwait. The official name given to such persons is “illegal residents”, as they enter the country illegally and then conceal their official documents in order to obtain Kuwaiti citizenship, which confers many advantages.
157.294	Accepted
157.295	Accepted
157.296	Note taken There is a bill before the National Assembly to address their situation.
157.297	Note taken There is a bill before the National Assembly to address their situation.
157.298	Accepted
157.299	Accepted
157.300	Accepted
157.301	Accepted
157.302	Rejected
