

Responses to Recommendations

KUWAIT

Review in the Working Group: 12 May 2010
 Adoption in the Plenary: 23 September 2010

Kuwait’s responses to recommendations (as of 13.01.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
114 REC accepted; 25 rejected; 20 pending	Out of the 20 pending, 9 are accepted, 2 rejected and 8 taken note of	No additional information provided	Accepted: 123 Rejected: 27 No clear position: 0 Pending: 9

List of recommendations contained in Section II of the Report of the Working Group A/HRC/15/15:

79. The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of the State of Kuwait:

- A - 1. Ratify the International Convention on the Rights of Persons with Disabilities and its Optional Protocol (Chile);
- A - 2. Ratify the Convention on the Rights of Persons with Disabilities (Islamic Republic of Iran);
- A - 3. Submit the CEDAW report overdue since 2007 (Austria);
- A - 4. Adopt a comprehensive national action plan to promote and protect women’s rights (Kazakhstan);
- A - 5. Look into the possibility of acceding to those conventions to which it is not yet party (Oman);
- A - 6. Consider reviewing and withdrawing the many and extensive reservations to the human rights treaties to which it is State party (Norway);
- A - 7. Further strengthen policies and measures to combat discrimination and violence against women, in particular by considering specific legislation on domestic violence (Brazil);
- A - 8. Adopt a comprehensive law to protect the environment (Bhutan);

- A - 9. Continue its efforts to adapt the law on combating human trafficking and the smuggling of the labour force in accordance with the international convention against transnational organized crime and its protocol (Kyrgyzstan);
- A - 10. Take appropriate measures and introduce legislation which would prohibit corporal punishment of children (Slovenia);
- A - 11. Work towards amending national legislation to bring it into line with international human rights instruments to which it is a party (Morocco);
- A - 12. Continue its efforts to harmonize national laws with international treaties (Kazakhstan);
- A - 13. Continue its efforts to look into the establishment of a national human rights institution in accordance with the Paris Principles (Qatar);
- A - 14. Proceed with the establishment of a National Human Rights Commission (Algeria);
- A - 15. Continue its efforts to strengthen its institutional human rights infrastructures, in particular those aimed at the establishment of a family court in order to deal with resolving family disputes (Egypt);
- A - 16. Continue its efforts to establish a family court in order to deal with resolving family disputes, thus preserving Kuwaiti social structure (Sudan);
- A - 17. Establish an independent national human rights institution in conformity with the Paris Principles to deal with all human rights matters, including the rights of the child (Hungary);
18. Establish an independent national human rights institution in conformity with the Paris Principles (Azerbaijan);
- A - 19. Establish a national human rights institution to complete and complement the excellent national efforts made so far (Iraq);
- A - 20. Complete the process of establishing a national human rights institution in conformity with the Paris Principles (Senegal);
- A - 21. Clarify the mandate and responsibilities of the national machinery for the advancement of women, as well as provide it with adequate visibility, power and resources (Hungary);
- A - 22. Continue the successful policy on the development of human potential (Russian Federation);
- A - 23. Identify, in an exhaustive manner, the conditions of application of international law, as well as the efforts made for the effective integration of the international obligations of the country (Switzerland);
- A - 24. Intensify collaboration with international mechanisms, and specify the concrete means for the implementation of its international commitments (Switzerland);
- A - 25. Continue to cooperate with the United Nations and other international organizations to strengthen human rights and exchange its best practices with other United Nations member countries (Lao People's Democratic Republic);
- A - 26. Submit to human rights treaty bodies those reports which are overdue within one year (Hungary);
- A - 27. Improve its cooperation with the United Nations treaty bodies by submitting overdue reports as a matter of priority (Norway);
- A - 28. Intensify efforts to submit due reports to treaty bodies (Spain);
- A - 29. Submit its overdue reports and follow up responses to United Nations treaty bodies as soon as possible (Netherlands)

- A - 30. Consider issuing a standing invitation to all United Nations human rights special procedures (Brazil);
- A - 31. Consider issuing a standing invitation to United Nations human rights special procedures (Norway);
- A - 32. Consider extending a standing and open invitation to special procedures mandate holders of the United Nations human rights system (Chile); **3**
- A - 33. Continue the efforts to further enhance human rights according to the universal human rights standards as well as to the social and religious specificities of the Kuwaiti society (Algeria);
- A - 34. Continue its remarkable efforts to promote the rights of the child and to ensure adequate protection to women, children and victims of human rights violations (United Arab Emirates);
- A - 35. Continue its efforts in strengthening, protecting and guaranteeing human rights and fundamental freedoms (Palestine);
- A - 36. Continue its efficient role in promoting women's rights and ensuring that women enjoy all fundamental freedoms (Tunisia);
- A - 37. Continue in the positive policy of granting Kuwaiti women more rights, in particular the right to participate in political life, which contribute to getting more women in leading positions in society (Lebanon);
- A - 38. Continue to promote the participation of women in policy making and improve the status of women in the society (Bangladesh);
- A - 39. Achieve further progress in the advancement of the role of Kuwaiti women in the public sphere (Indonesia);
- A - 40. Continue with its efforts to improve the status of women and empower them (Jordan);
- A - 41. Promote women's rights and their role in the family institution and society in line with its national and cultural particularities as well as its international obligations (Islamic Republic of Iran);
- A - 42. Continue to strengthen the protection of the rights of women and improve the social status of women in accordance with relevant international treaties (China);
- A - 43. Develop and adopt a plan of action for the promotion of gender equality (Azerbaijan);
- A - 44. Ensure the strict observance of its legislation; in particular, effectively guarantee the equality of treatment of men and women at work, as well as equality in access to employment (France);
- A - 45. Enact domestic legislation to ensure equality in rights and equal opportunities between men and women (Libyan Arab Jamahiriya);
- A - 46. Ensure the full compliance of Kuwaiti legislation with CEDAW and the effective implementation of the rights enshrined in the Convention (Austria);
- A - 47. Continue its efforts to preserve the rights of future generations through its Future Generation Fund (Bhutan, Islamic Republic of Iran);
- A - 48. Cooperate with regard to sharing expertise and experiences in the area of providing welfare to older persons, so that this pioneering experience is benefited from (Tunisia);
- A - 49. Continue its efforts in the area of providing welfare to older persons (Sudan);
- A - 50. Continue efforts made to promote and protect the rights of persons with disabilities (Bahrain);
- A - 51. Continue efforts to protect the rights of vulnerable groups of the population, and in particular, in materializing the planned draft legislation regarding children and persons with disabilities (Russian

Federation);

A - 52. Continue its effective policy to ensure the rights of persons with disabilities through instruments that are in line with international treaties, as well as the development and implementation of programmes at the national level (Kyrgyzstan);

A - 53. Continue ongoing efforts to guarantee the rights of persons with disabilities, including through the enactment of a new law that would broaden existing guarantees, as noted in the national report (Cuba);

A - 54. Respect, as long as it maintains the death penalty, at least minimum standards related to the death penalty, in particular ensuring that the death penalty is only imposed for the most serious offences (Belgium);

A - 55. Establish care centres for victims of domestic violence (Syrian Arab Republic);

A - 56. Create accessible complaints mechanisms for reporting sexual and domestic violence, while ensuring that these complaints are thoroughly investigated and the perpetrators prosecuted (Slovenia);

A - 57. Embark on a policy to combat domestic violence against women, in particular by ensuring the protection of victims and enabling their access to justice (France);

A - 58. Adopt and establish all the necessary legal and institutional framework to protect and shelter victims of all forms of exploitation and harassment (Greece);

A - 59. Work towards setting up programmes to rehabilitate juvenile offenders, and update legislation concerning juveniles (Qatar);

A - 60. Continue its efforts to enact legislation to combat human trafficking in accordance with the international convention against transnational organized crime (United Arab Emirates);

A - 61. Continue to support efforts aimed at setting up a legal framework for prohibiting trafficking in persons and other forms of exploitation (Morocco);

A - 62. Make efforts to address victims of human trafficking (Bangladesh);

A - 63. Continue to establish centres for the reconciliation of families (Somalia);

A - 64. Continue its efforts to preserve freedom of religion and belief and to ensure respect for all religions under the umbrella of law (Bhutan);

A - 65. Continue its efforts to preserve freedom of religion and ensure respect for all religions under the umbrella of the law (Islamic Republic of Iran);

A - 66. Adopt further measures, including in the field of education, to reinforce the protection and promotion of religious freedom, particularly in order to ensure the effective freedom of worship of religious minorities (Italy);

A - 67. Strengthen its labour laws, and improve living and working conditions of foreign workers (Pakistan);

A - 68. Enact specific labour legislation concerning foreign and domestic workers which guarantees their rights according to international human rights standards (Netherlands);

A - 69. Ensure that the envisaged law protecting domestic workers will be adopted as soon as possible (Hungary);

A - 70. Continue its efforts aimed at enacting a new labour law for the private sector to ensure balance between protecting the rights of workers and preserving the interests of employers (Sudan);

A - 71. Investigate and prosecute abuses against domestic workers (Italy);

72. Ensure by law that employers leave passports in the possession of the workers themselves (Italy);

A - 73. Enact and implement the necessary regulations to protect expatriated domestic workers, in particular foreign female domestic helpers, as one of the most vulnerable segments in Kuwaiti society, from exploitation, violence and abuse, and to prevent human trafficking (Austria);

A - 74. Continue its efforts in combating narcotics and psychotropic agents, and work towards protecting youths from them (Syrian Arab Republic);

A - 75. Continue efforts to strengthen health indicators and to provide health services to all segments of the society (Bahrain);

A - 76. Continue the strengthening of ongoing sound health-care policies with a view to fully satisfying and preserving the health of its people (Venezuela);

A - 77. Prepare progressively the national charter for the environment in order to coordinate the efforts of all sectors in this area, including civil society, and to frame the work of the existing Environment Public Authority (Morocco);

A - 78. Adopt an integrated law to protect the environment (Pakistan);

A - 79. Adopt a comprehensive law on environmental protection to provide the necessary basis for continued sustainable development (Armenia);

A - 80. Remove all anti-personnel mines and explosive remnants of war to prevent the falling of new casualties (Pakistan);

A - 81. Carry on its efforts in strengthening the links between higher education and the labour market (Bhutan);

A - 82. Continue ongoing efforts to fully eradicate illiteracy (Cuba);

A - 83. Continue to strengthen its cooperation and exchanges with international organizations in the field of education (China);

A - 84. Promote further good practices of social protection and the realization of the right to education through cooperation and experience-sharing with relevant international organizations and countries advanced in the education sphere (Armenia);

A - 85. Continue to enhance its efforts to disseminate a culture of human rights at all levels, in particular in the educational institutions (Saudi Arabia);

A - 86. Continue to support the programmes aimed at enhancing human rights education and training, and consider integrating this subject into primary education (Morocco);

A - 87. Continue the efforts and successes achieved by Government institutions in raising human rights awareness among its civil servants, and enhance the level of judicial and legal training studies within the framework of international treaties (Saudi Arabia);

A - 88. Strengthen its cooperation with OHCHR to organize training sessions in order to raise awareness and education in human rights (Oman);

A - 89. Put in place a systematic awareness-raising campaign so as to achieve an even better dissemination of a human rights culture in the society (Greece);

A - 90. Launch an intensive national programme for human rights awareness-raising and education in order to protect and enhance human rights (Libyan Arab Jamahiriya);

A - 91. Strengthen human rights education (Jordan);

A - 92. Continue its efforts to protect the rights of all foreign workers and members of their families (Senegal); **4**

A - 93. Take further measures for the fulfilment of social, economic and cultural rights for all (Islamic Republic of Iran); **5**

A - 94. Continue to improve the conditions of foreign workers (Bangladesh); **6**

A - 95. Take further necessary measures to protect the rights of foreign workers in general and domestic workers in particular (Indonesia); **7**

A - 96. Adopt a law meeting generally admitted international standards in the area of the status of domestic workers in order to give legal status to domestic workers, including minimum wages, limited working hours, periods of rest and vacation, medical costs coverage, respect for privacy and physical integrity, as well as the freedom to renegotiate or break an employment contract (Belgium);

A - 97. Address concerns of the ILO Committee of Experts about the conditions under which domestic servants can leave their employment and their possibility to have recourse to courts if necessary, in accordance with international standards (Slovakia);

A - 98. Duly investigate and prosecute all allegations of abuse of domestic workers and provide victims efficient access to justice (Slovakia);

A - 99. Extend the benefits of the labour legislation to domestic workers, and ensure that abuses by employers are systematically prosecuted and punished (France);

A - 100. Continue its efforts to ensure the necessary protection of the rights of foreign workers and find the appropriate solutions to the illegal residents (Algeria);

A - 101. Search for appropriate solutions to the problem of illegal residents on the basis of the legal framework and in line with Kuwait's admirable respect for human dignity (Somalia);

A - 102. Continue its efforts to find humane solutions for the "illegal residents", including granting nationality to those who fulfil the applicable conditions and criteria (Lebanon);

A - 103. Take measures to improve the legal and social situation of the illegal residents, in particular by granting them residency, issuing them personal documents, and enabling them access to the public health and education system (Austria); **8**

A - 104. Consider sharing its experience and best practices in its efforts to strengthen the human rights values in the society through relevant United Nations mechanisms (Bhutan);

A - 105. Continue to work towards informing interested countries about the experience of Bait al-Zakat in the humanitarian field, which aims at reducing the suffering of persons and families in need (Qatar);

A - 106. Continue to fulfil its pioneering role in providing humanitarian assistance in cases of natural disasters so as to assist the victims, in particular in the developing and least developed countries (Egypt);

A - 107. Continue its laudable approach in the area of providing development assistance and supporting infrastructure projects for developing and least developed countries through the Kuwaiti fund for economic development (Egypt);

A - 108. Continue to support its initiative to establish the special fund for small and medium development projects, which was adopted at the latest Arab Economic Summit (Egypt);

A - 109. Continue efforts to activate the Decent Life Fund to finance research in the agricultural sector and help the worst affected countries by world crises (Morocco);

A - 110. Continue to support economic development in the poor and the least developed countries and to contribute to the attainment of sustainable development in those countries (Algeria);

A - 111. Continue to support other developing countries, especially the least developed countries, in their development efforts and thus help them realize their economic, social and cultural rights (Bangladesh);

A - 112. Continue its efforts within its international initiatives to strengthen economic development and raise the standard of living (Oman);

A - 113. Continue to support its policy to promote dialogue among religions and civilizations through strengthening the role of the World Centre for Mediation and reinforcing the culture of tolerance and coexistence in the world (Morocco);

A - 114. Cooperate closely with civil society and NGOs in the follow-up to this review (Austria).

80. The recommendations below did not enjoy the support of the State of Kuwait:

R - 1. Accomplish progressively human rights voluntary goals, as set up by Human Rights Council resolution 9/12, including the ratification of the Optional Protocol to CEDAW (Brazil);

R - 2. Sign and ratify the Optional Protocol to ICESCR; the Optional Protocol to ICCPR; the Optional Protocol to CEDAW; and the Optional Protocol to CAT; and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

R - 3. Ratify pending international human rights instruments, particularly the two Optional Protocols to ICCPR and the Optional Protocol to CAT (Chile);

R - 4. Consider signing and ratifying the Second Optional Protocol to ICCPR (Spain);

R - 5. Ratify the Optional Protocol to CEDAW (Austria);

R - 6. Ratify the Optional Protocol to CEDAW (Kazakhstan);

R - 7. Withdraw reservations to CAT and accede to its Optional Protocol (Switzerland);

R - 8. Review and amend its laws to ensure gender equality in all its legislation, amongst others, in the Nationality Law, and guarantee that all Kuwaiti women are able to transfer nationality to their children and ensure to all Kuwaiti women equal access to their social and economic rights (Netherlands);

R - 9. Consider modifying or repealing discriminatory legislation, including discriminatory provisions in the Personal Status Law and the Nationality Law (Norway);

R - 10. Adopt a moratorium on the use of the death penalty with a view to its abolition (Italy);

R - 11. Consider abolishing the death penalty (Austria);

R - 12. Eradicate the death sentence once and for all from its legal system (Hungary);

R - 13. Abolish the death penalty or establish a moratorium (Chile);

R - 14. Establish a moratorium on executions with a view to abolishing the death penalty (Netherlands);

R - 15. Prolong a moratorium on the death penalty with a view to abolishing capital punishment entirely (Slovakia);

R - 16. Adopt, as soon as possible, a de jure moratorium on executions with a view to the abolition of the death penalty (Belgium);

R - 17. Reconsider its position and abolish the death penalty, if necessary by initially establishing a moratorium on executions, which would be in line with General Assembly resolution 63/168, on the moratorium on the use of the death penalty (Slovenia);

R - 18. Abolish definitively the death penalty, in continuation of the de facto moratorium on executions applied since 2007 (France);

R - 19. Consider decriminalizing same-sex relations between consenting adults, with a view to ensuring the rights to privacy and non-discrimination (Brazil).

81. The following recommendations did not enjoy the support, since the State of Kuwait considers they are inaccurate and/or factually incorrect:

R - 1. Abrogate de jure and de facto discrimination against women, by amending or repealing national legislation that discriminates against women, such as the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act, and implement measures to penalize violence against women and girls in all forms, including domestic violence and marital rape (Israel);

R - 2. Prohibit the treatment of formerly trafficked women and children remaining in Kuwait as in violation of national immigration laws, and grant permission for them to remain in the country to defend their rights (Israel);

R - 3. Develop appropriate legal frameworks for the enjoyment of the right to work and to just and favourable conditions of work to all migrant workers, especially domestic workers (Brazil);

R - 4. Recognize the right to Kuwaiti nationality of those persons who have been left stateless due to the nationality law in 1959, and provide for the same enjoyment of their human rights as to other citizens (Slovakia);

R - 5. Improve the situation of the "Beduns" by considering the possibility of acceding to the Convention on refugees and its protocol, as well as to the conventions dealing with statelessness (Switzerland);

R - 6. End all de jure and de facto discrimination against "Beduns" by affording en masse all Beduns equal protection under law, and in particular by conferring Kuwaiti nationality on a non-discriminatory basis and allowing for the use of social services to such persons (Israel).

82. The following recommendations will be examined by the State of Kuwait, which will provide responses in due time, but no later than the fifteenth session of the Human Rights Council, in September 2010. The response of Kuwait to these recommendations will be included in the outcome report adopted by the Human Rights Council at its fifteenth session.

P - 1. Ratify the Rome Statute (Chile);

R - 2. Ratify the Convention relating to the status of stateless persons and the Convention relating to the reduction of statelessness (Netherlands);

R - 3. Accede to the 1954 Convention on the Status of Stateless Persons (France);

P - 4. Ratify the Rome Statute of the International Criminal Court (Austria);

P - 5. Ratify the Rome Statute of the International Criminal Court, including the accession to the Agreement on Privileges and Immunities (Slovakia);

A - 6. Base the adoption of the resolution mentioned in article 5 of the new labour law on the broadest negotiation level possible (Switzerland);

P - 7. Promote the principle of equality in the broadest sense possible, including with regard to nationality, foreign issues and in the areas of work, during the development of the new law on the rights of women (Spain);

A - 8. Establish promptly a national human rights institution in accordance with the Paris Principles, which presumes that it is independent and open to civil society (France);

A - 9. Issue a standing invitation to the special procedures and respond in a reasonable period of time to treaty bodies' requests, whether with regard to submitting periodic reports or to responding to communications, as the case may be (France);

A - 10. Extend a standing and open invitation to all special procedures (Spain);

A - 11. Respond favourably to the requests of the Special Rapporteur on trafficking in persons, especially women and children, to visit the country (Israel);

P - 12. Take further action and measures in order to further promote women's participation in the judiciary and all other sectors of life in the country (Greece);

A - 13. Ensure equal employment opportunities for women, and enhance women's participation in the workforce by recruiting qualified women for expert and supervisory positions in all ministries, diplomatic corps and the judiciary (Netherlands);

A - 14. Prepare and implement a national plan of action to promote gender equality and ensure the incorporation of a gender perspective into all levels and spheres, in accordance with the recommendation from CEDAW (Chile);

A - 15. Undertake all efforts to create legislation against human trafficking and the smuggling of migrants for purposes of sexual exploitation and forced labour, in line with the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and as pledged in the national report (Israel);

P - 16. Extend the new labour law for the private sector to cover all groups, including domestic workers (Norway);

P - 17. Include domestic workers in the new draft labour law for the private sector, and ensure comprehensive protection, including a weekly rest day, timely payment of wages in full and limits to working hours (Italy);

P - 18. Replace the current sponsorship system with domestic worker residency permits overseen by the Government (Italy);

A - 19. Revoke the current sponsorship system (Kafala) and replace it with regulations in accordance with international standards (Norway);

P - 20. End all discriminatory provisions in Kuwait's housing programme (Norway);

Notes

3 The recommendation as read during the interactive dialogue: “Extend a standing and open invitation to special procedures mandate holders of the United Nations human rights system” (Chile)

4 The recommendation as read during the interactive dialogue: “Continue its efforts to protect the rights of all migrant workers and members of their families” (Senegal).

5 The recommendation as read during the interactive dialogue: “Take further measures for fulfilling of social, economic and cultural rights in particular for refugees and migrants” (Islamic Republic of Iran).

6 The recommendation as read during the interactive dialogue: “Continue to improve the conditions of migrant workers” (Bangladesh).

7 The recommendation as read during the interactive dialogue: “Take further necessary measures to protect the rights of migrant workers in general, and domestic workers in particular” (Indonesia).

8 The recommendation as read during the interactive dialogue: “Take measures to improve the legal and social situation of the Beduns, in particular by granting them residency, issuing them personal documents, and enabling them access to the public health and education system” (Austria)

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