

## Universal Periodic Review

(21<sup>st</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

## Kuwait

### I. BACKGROUND AND FRAMEWORK

#### A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Acceptance on 15/01/1963			Right to education
Convention on Technical and Vocational Education (1989)	Accession on 07/08/2003			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification 06/06/2002			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to this Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 03/08/2007			Right to take part in cultural life

## **II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

### **Right to education**

#### **Constitutional Framework:**

2. The Constitution of Kuwait of 1962<sup>1</sup> enshrines the right to education. According to **Article 13**, “*Education is a fundamental requisite for the progress of society, assured and promoted by the State.*” **Article 40** states that: “(1) *Education is a right for Kuwaitis, guaranteed by the State in accordance with law and within the limits of public policy and morals. Education in its preliminary stages is compulsory and free in accordance with the law.*(2) *The law lays down the necessary plan to eliminate illiteracy.*(3) *The State devotes particular care to the physical, moral, and mental development of the youth.*” In addition, **Article 29 (1)** states “*All people are equal in human dignity and in public rights and duties before the law, without distinction to race, origin, language, or religion.*”

#### **Legislative Framework:**

3. The legislative framework of Kuwait is composed of:
- a) The **Compulsory Education Act No. 11 of 1965**<sup>2</sup> states that primary and intermediate education is compulsory for male and female (**Article 1**). However, **Article 4** states an exemption for students living in remote areas.
  - b) “The **Ministerial Ordinance No 50203**<sup>3</sup> makes education compulsory until 14 years old allowing them who want to continue their studies.
  - c) “**Law No. 4 of 1987 [concerning public education]**<sup>4</sup> provides the general legal framework for public education (school education up to the end of the secondary level).
  - d) On the basis of the **Ministerial Decree No. 76 of 2003**, the new educational ladder consists of five years of elementary education, four years of intermediate education (both compulsory and free) and three years of secondary education free of charge. The new structure was implemented starting from 2004/05, extending the duration of compulsory education from eight to nine years (e.g. elementary and intermediate education).”<sup>5</sup>
  - e) “The **Amiral Decree concerning the Ministry of Education, promulgated in 1979**, makes the Ministry of Education responsible for the provision of appropriate opportunities to help individuals to achieve full [...] development [...].
  - f) The **Literacy Act No. 4 of 1981**<sup>6</sup> makes it a national duty to provide citizens with an amount of education which raises their cultural and social standards, by meeting life

<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/12dc146003b729046e1d8642b94152edb5c45c3e.pdf>  
[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=181003](http://www.wipo.int/wipolex/en/text.jsp?file_id=181003) (Accessed 07/03/2014)

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/5545bf9315a6102006e4260e284cc254cf8621b8.pdf>

<sup>3</sup> <http://www.unesco.org/education/edurights/media/docs/985e4891c793d205d0b62b8eb4c57db9e4d023e9.pdf>

<sup>4</sup> <http://www.unesco.org/education/edurights/media/docs/4d4e58c1783175a9f990a10d759b75827702827f.pdf>

<sup>5</sup> World Data on Education, 7<sup>th</sup> Edition, 2010/11, pp. 3-4, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf) (Accessed on 6 March 2014)

<sup>6</sup> <http://www.unesco.org/education/edurights/media/docs/9179e22ee53d1e50de740e2c412c1a365dd1d329.pdf>

requirements, to enable them to self-develop and contribute in the advancement of the society, without any differentiation between males and females.”<sup>7</sup>

- g) **Law No. 29 of 1966** regulates higher education.
- h) **Law No. 63 of 1982** was adopted in order to meet the needs of the labour force and to overcome shortages in technically qualified national workers [...].”<sup>8</sup>
- i) “The **Decision of the Minister of Education No. 10664 of 1967** stipulates that private educational establishments are subject to supervision by the Ministry of Education.
- j) The **Decree of 1979 issued by the Emir regarding the Ministry of Education** defined the objective of the Ministry as the development of Kuwaiti society and the upbringing of its young [...].”<sup>9</sup>
- k) “[...] [A] **ministerial decree was issued in 2008** which provided for the establishment of a higher commission for human rights with the following functions: a) To spread awareness of human rights through the various media, convene forums and lectures and conduct studies on human rights; b) To strive to include the fundamental concepts of human rights in the general and higher education curricula.”<sup>10</sup>

### **Policy Framework:**

4 “The strategic targets and goals envisaged in the **Education Strategy 2005-2025** include: contributing to the achievement of interaction with the current age requirement of freedom of thought and response to the dynamics of change without conflict with the cultural identity of the society; contributing to enhancing the values of faith in the importance of dialogue and respect for human rights among the educated and providing the basis for a sound democratic life; entrenching the concept of wealth production, the preservation of the environment and the resources of the country; and enhancing the basic requirements for school curricula in the general education system to ensure the achievement of the objectives and principles of the state. The Strategy 2005-2025 also takes into consideration the educational objectives of the Gulf Cooperation Council, particularly: building the correct Islamic faith in the educated so that its principles become a method of thought and style, which develops the preparation of educated with Arab-Islamic heritage and loyalty to the Arab-Islamic identity; developing free scientific thinking and critical creative thinking skills, and lifelong learning; raising the awareness of learners with the importance of globalization and information technology and modern communication means and its exploitation for the benefit of the individual, society and

<sup>7</sup> Kuwait Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, pp. 5-6

<sup>8</sup> World Data on Education, 7<sup>th</sup> Edition, 2010/11, p. 3, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf) (Accessed on 6 March 2014)

<sup>9</sup> World Data on Education, 7<sup>th</sup> Edition, 2010/11, p. 3, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf) (Accessed on 6 March 2014)

<sup>10</sup> Unofficial translation, Kuwait Report submitted for the Fourth Consultation on the implementation of the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (2005-2008), 2008, p. 14

protection from the negative consequences on the identity and the values of the Kuwaiti society; acquainting the learners with the skills of positive interaction with the other cultures, tolerance and coexistence with others.”<sup>11</sup>

5. The programme “**The Future Schools** provide[s] sophisticated vision of the future of education in Kuwait with the aim of improving the output of education by achieving the following objectives:

- a) Bringing about educational reforms for schools of general education commensurate with the requirements of the strategic objectives;
- b) Maintaining the quality of general education according to the outputs of global standards;
- c) Paying attention to the student as an individual by taking into account individual difference in learning;
- d) Infrastructure development of schools of general education so as to ensure continuous improvement of learning environment;
- e) Bridging the digital gap between the reality of the current general education requirements and dealing with advanced technology;
- f) Activating the role of home and community institutions in supporting education”.<sup>12</sup>

6. “The creation of the **National Authority for Standards and Quality Control**: The establishment of this body is designated to evaluate and ensure the quality of school education and administration, where the message of the National Authority for the standards and quality control is to ensure and improve the quality of education and outcomes for all students, through the strict, independent process of evaluating of the quality of schools and providing advice based on the evidence, to the Minister of Education to put it in the framework of the Ministry’s policy. The Functions of the National Authority for Standards and Quality Control are:

- a) Setting standards and new directions for evaluating job performance.
- b) The implementation of quality control process depending on the school’s self-evaluation and external check-ups.
- c) Examining the possibility of developing a system of awards of quality in education.”<sup>13</sup>

7. “The State of Kuwait chaired and was actively involved in the preparation of the **Arab Plan for Human Rights Education 2009- 2014**, which was supervised by the League of Arab States and ratified by all Arab States at the Arab Summit Conference (Damascus, 2008). The goals of the plan are:

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<sup>11</sup> World Data on Education, 7<sup>th</sup> Edition, 2010/11, p. 2, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Kuwait.pdf) (Accessed on 6 March 2014)

<sup>12</sup> National Report submitted for the 48th session of the International Conference on Education, 2008, pp. 32-33, accessible at: [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/kuwait\\_NR08\\_ea.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/kuwait_NR08_ea.pdf) (Accessed on 6 March 2014)

<sup>13</sup> National Report submitted for the 48th session of the International Conference on Education, 2008, p. 34, accessible at: [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/kuwait\\_NR08\\_ea.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/kuwait_NR08_ea.pdf) (Accessed on 6 March 2014)

- a) To incorporate human rights in the different levels of the education system;
  - b) To qualify and train staff in the area of human rights education;
  - c) To prepare the pedagogic environment for human rights education;
  - d) To expand societal participation in spreading the culture of human rights.
8. The Plan focuses on general principles, of which the following are the most important:
- a) **Universality**: all people shall enjoy the same rights and there shall be no grounds for discrimination between them;
  - b) **Comprehensiveness and integration**: human rights are a cohesive and integral unity;
  - c) **Equality and the absence of discrimination**: human rights are the rights of each individual and to be enjoyed without any form of discrimination on grounds of race, colour, gender, language, religion, political or other opinion, ethnic, national or social origin, wealth, birth or any other circumstance;
  - d) **Participation**: all individuals and peoples have the right to real and effective participation in social and economic development.”<sup>14</sup>

### **Cooperation:**

9. Kuwait is **party** to the 1960 UNESCO Convention against Discrimination in Education since 15/01/1963.
10. Kuwait **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the **Sixth Consultation** of Member States (covering the period 1994-1999).
11. However, Kuwait **reported** to UNESCO within the framework of the:
- a) **Seventh Consultation** of Member States (covering the period 2000-2005)
  - b) **Eighth Consultation** of Member States (covering the period 2006-2011)
12. Kuwait **reported** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
  - b) **Fifth Consultation** of Member States (covering the period 2009-2012)
13. Kuwait reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:
- a) **First Consultation** of Member States (1993)
  - b) **Second Consultation** of Member States (2011)

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<sup>14</sup> Unofficial translation, Kuwait Report submitted for the Fourth Consultation on the implementation of the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (2005-2008), 2008, pp. 13-14

14. Kuwait is **party** to the 1989 UNESCO Convention on Technical and Vocational Education since 07/08/2003.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

15. Freedoms of expression and of the press are guaranteed under Article 36 and 37 with a limited clause, which stipulates that this is effective exclusively “in accordance with the conditions and in the circumstances defined by law”.<sup>15</sup>
16. Defamation is criminalized in the Penal Code. Article 111 provides for one-year imprisonment or a fine of roughly US\$10,000 to anyone who distributes “opinions that include sarcasm, contempt, or belittling of a religion or a religious school of thought, whether by defamation of its belief system or its traditions or its rituals or its instructions.” Furthermore, Article 204 of Kuwait’s Penal Code (1960) proscribes up to three years’ imprisonment and a roughly US\$10,000 fine for anyone who “prints or sells or distributes or exhibits pictures or drawings or forms of anything immoral” including the press.
17. Under the Law 3-2006 on Press and Publication, the Ministry of Information has the power to censor media that is “deemed morally offensive”, to prohibit the publication of material that insults God, the Prophets, or Islam<sup>16</sup>. The law also forbids criticism of the Emir, the disclosure of secret or private information, and statements calling for the overthrow of the regime. Penalties for criticizing Islam were increased under the 2006 amendments, and the offense now draws up to one year in prison and fines of up to 20,000 dinars (US\$71,000).
18. In 2013, Kuwait introduced a new draft media law called the Unified Media Law which has been criticized for its excessive monetary fines which can be as high as 300,000 dinars or approximately US\$1 million. The draft law is to be further approved by the National Assembly and signed by the Emir before becoming a law.

#### Media Self-Regulation:

19. Media self-regulatory mechanisms are not sufficiently developed in the country.

#### Safety of Journalists:

20. **UNESCO did not record journalists’ killings between 2008 and 2014**<sup>17</sup>. However, there have been several arrests of journalists during this period.

<sup>15</sup> [http://www.servat.unibe.ch/icl/ku00000\\_.html](http://www.servat.unibe.ch/icl/ku00000_.html)

<sup>16</sup> <https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&cad=rja&uact=8&ved=0CHwQFjAJ&url=http%3A%2F%2Fwww.mlfoe.org%2FDocument%2FDefault.aspx%3FDocumentUid%3Dcd51eb2c-3c58-4f6f-bbcf-e7992c3c34d2&ei=PHdCU4POGpLy7AbbsYCYCQ&usg=AFQjCNEoDR-bsMrvQgBH3TS8VgAvKzIL1w&bvm=bv.64125504,d.ZGU>

<sup>17</sup> <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/>

### III. RECOMMENDATIONS

21. Recommendations made within the framework of the Working Group on the Universal Periodic Review in 2010<sup>18</sup>
22. *The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of the State of Kuwait:*
- i) 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);*
  - ii) A - 81. *Carry on its efforts in strengthening the **links between higher education and the labour market** (Bhutan);*
  - iii) A - 82. *Continue ongoing efforts to fully **eradicate illiteracy** (Cuba);*
  - iv) A - 83. *Continue to strengthen its **cooperation and exchanges with international organizations** in the field of education (China);*
  - v) 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);*
  - vi) 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);*
  - vii) A - 86. *Continue to support the programmes aimed at enhancing human rights education and training, and consider **integrating this subject into primary education** (Morocco);*
  - viii) A - 88. *Strengthen its **cooperation with OHCHR** to organize training sessions in order to raise awareness and education in human rights (Oman);*
  - ix) 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);*
  - x) A - 91. *Strengthen human rights education (Jordan);*
  - xi) 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); 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).*
23. Analysis: Kuwait made significant progress in integrating human rights into its educational system adopting various plans specifically focusing on this aspect. In addition, Kuwait extended compulsory education and issued plans to improve the quality of education.

<sup>18</sup> <http://www.upr-info.org/en/review/Kuwait/Session-08---May-2010/Review-in-the-Plenary-session#top>

However, Kuwait has not yet taken sufficient specific measures to address the issues of religious freedom and the case of illegal residents.

24. **Specific recommendations for the second UPR cycle on the right to education:**

- i) Kuwait should be encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- ii) Kuwait should be encouraged to continue cooperating with OHCHR and other international organizations in the field of education.
- iii) Kuwait could be encouraged to equally apply compulsory education to non-Kuwaiti children living in the state party as well as for marginalized groups.
- iv) Kuwait could be encouraged to take additional measures to address harmful practices and gender discrimination at school.

**Freedom of opinion and expression**

25. Kuwait is encouraged to review existing laws including the Law 3-2006 on Press and Publication and the draft Unified Media Law to ensure that freedom of expression is protected and promoted in accordance with international standards.
26. Kuwait is encouraged to decriminalize defamation and place it within the civil code that is in accordance with international standards.
27. UNESCO recommends the development of self-regulatory mechanisms of the media.

**Cultural rights**

28. Kuwait is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). Furthermore, as a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Kuwait is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Kuwait is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and  
the right to benefit from scientific progress and its applications**

29. With regard to contribution of science and technology to development, Kuwait is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the



aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.