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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Kuwait**

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\* The present document was not edited before being sent to the United Nations translation services.

The present report on the human rights situation in Kuwait was prepared in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1. In submitting this report, the State of Kuwait reaffirms its respect for and commitment to human rights both at the national and international levels. It also expresses its desire to move forward with the dissemination and promotion of these rights, which are the foundations of any society's growth and prosperity. This report is divided up into the following sections:

1. Methodology used in preparing the report;
2. Population and social indicators;
3. National human rights framework;
4. International human rights framework;
5. Role of the State powers in promoting human rights;
6. Protection of human rights and fundamental freedoms on the ground;
7. Challenges;
8. Voluntary pledges.

## **I. Methodology used in preparing the report**

The assumption behind the preparation of this report was that human rights are issues affecting all sectors of society and thus all sectors needed to be taken into account during the preparation of the report. The report is furthermore the fruit of joint efforts by a special committee chaired by the Ministry of Foreign Affairs, with members drawn from relevant State institutions. Civil society organizations were also involved through interactive dialogue and exchanges of views and proposals. Attention was drawn to the importance of using a transparent, objective and realistic approach when devising appropriate solutions and measures and, likewise, of reconciling, to the extent possible, the universal applicability of human rights principles with the specificities of Kuwaiti society, where the sharia and its guiding norms are the main source of legislation and an integral part of the wider system.

## **II. Population and social indicators**

The population of Kuwait is 3.4 million, a figure which includes around 2.3 million foreign residents of 180 nationalities. Average life expectancy at birth for Kuwaitis is 67 years, which is high by international standards. Kuwait is a developed country, according to social indicators. In 2008, some 99 per cent of adults held educational qualifications, while the enrolment rate in primary and intermediate education was 100 per cent. The average annual per capita income was \$43,100 in 2008.

## **III. National human rights framework**

### **1. Human rights under the Constitution**

Long before independence, Kuwait had adopted a system of popular participation and consultation between the ruler and citizens. This practice became formalized with the enactment of the Constitution in 1962. The logical and natural consequence was the

endorsement of all the human rights enshrined in the sharia and international law and of measures to ensure their observance. The Constitution embodies a full range of human rights principles, and laws and other legislation and implementing regulations have been introduced in accordance with the Constitution to safeguard human rights. Consequently, Kuwait is a leading State as far as the protection of human rights is concerned. The recognition given to these rights is expressed in the Constitution of Kuwait as follows.

**(a) Civil and political rights**

Article 30 of the Constitution guarantees the preservation and protection of personal freedom, while articles 35–39 and 43–45 provide for the promotion and protection of a number of freedoms and rights, including: freedom of belief and worship; freedom of opinion and scientific research; freedom of expression; freedom of the press, printing and publishing; the freedom and confidentiality of postal and telegramme correspondence and communication by telephone; freedom of association and the freedom to establish trade unions, subject to the principles of domestic law; freedom of assembly; and the right to correspond directly with the public authorities. These articles furthermore stipulate that the home is inviolable and must be protected from any arbitrary interference.

**(b) Economic, social and cultural rights**

*Justice, freedom and equality*

- A number of human rights principles, in particular the principles of justice, freedom, equality and mutual respect among different members of society, are recognized in article 7 of the Constitution
- Article 8 of the Constitution stipulates that the State has a duty to preserve the foundations of society and to guarantee citizens security, safety and equality of opportunity
- Article 29 of the Constitution states that everyone has equal rights and obligations

*The family and society*

According to article 9 of the Constitution, the family is the basis of society, while religion, morality and patriotism are the mainstays of the family. The law safeguards family cohesion and unity and protects mothers and children.

*Protection and care of the rising generation*

Under article 10 of the Constitution, the State is required to care for the rising generation and to protect it from exploitation and moral, physical and spiritual neglect.

*Social security*

According to article 11 of the Constitution, the State has a duty of care towards citizens who are elderly, sick or unfit for work: it must provide them with social insurance, social assistance and health services.

Under article 25 of the Constitution the State is required to demonstrate social solidarity by assuming the costs of public disasters and compensating those who suffer injury in war or while performing military service.

*Right to education*

Articles 13 and 40 guarantee the right to education, while article 14 provides for the promotion of scientific research.

*Right to work*

Articles 26, 41 and 42 of the Constitution refer to a series of work-related rights, including the right of all citizens to work and to choose the type of work that they wish to do.

*Economic rights*

Articles 20–23 of the Constitution contain provisions which are intended to support the economy and trade, to encourage investment and to improve the financial standing of citizens.

*Health care*

Article 15 of the Constitution assigns responsibility for protecting public health, delivering preventive health and treatment for diseases and pandemics to the State.

*Personal and private property*

Under articles 16, 18 and 19 of the Constitution, personal property, capital and labour assets and private property are guaranteed protection, and the expropriation of assets is prohibited except by order of a court.

*Nationality and citizenship rights*

Article 27 of the Constitution sets out the basic rules for granting Kuwaiti nationality, which is granted in accordance with prevailing domestic legislation and may only be forfeited or withdrawn in accordance with the law. Article 28 of the Constitution states that no citizen may be expelled from, or prevented from returning to, Kuwait.

*Right to legal recourse*

Article 166 of the Constitution grants everyone the right to legal recourse, thus articulating the desire on the part of the drafters of the Constitution to afford all citizens and foreign residents the right to defend their rights and freedoms in court against infringements of any kind.

*Elimination of racial discrimination*

Article 29 of the Constitution contains provisions demonstrating the State's commitment to promoting equality, eliminating discrimination based on sex, origin, language or religion, safeguarding human dignity and ensuring equality of rights and duties.

*Human rights under domestic law*

A diverse range of domestic law provisions regulate the protection of human rights and fundamental freedoms consistent with the principles laid down in the relevant international instruments. The legislature has enacted a set of laws containing numerous provisions on the promotion of fundamental freedoms and the protection of human rights. These laws include, in particular:

- Act No. 17 of 1960, concerning criminal proceedings and trials, which contains many articles on individual freedoms and the inviolability of the home
- Act No. 3 of 2006, concerning publications
- Act No. 38 of 1964, concerning employment in the private sector
- Act No. 17 of 1959, concerning alien residence

- Act No. 24 of 1962, concerning clubs and public welfare associations
- Act No. 14 of 1973, establishing the Constitutional Court
- Decree Law No. 40 of 1992, concerning the regulation of agencies which recruit domestic workers and persons of similar status
- Act No. 55 of 1995, abolishing the State Security Court
- Act No. 29 of 1996, concerning the welfare of persons with disabilities
- Act No. 1 of 1999, concerning health insurance and health services for foreigners

#### **IV. International human rights framework**

Since gaining independence, Kuwait has acceded to most of the international human rights treaties and has taken part, through various forums, in preparing draft international human rights treaties.

In this connection, it is worth noting that, in accordance with article 70 of the Kuwaiti Constitution, these instruments become binding upon ratification and are considered as being an integral part of, and having the same force and effect as, domestic law. Article 177 of the Constitution stipulates that the Constitution applies without prejudice to any treaties which Kuwait may conclude with other States and international entities.

#### **V. Role of State powers in promoting human rights**

No legal provision on human rights, whatever its purpose, scope or legal value, is of any consequence without a comprehensive system to guarantee its observance. The State of Kuwait, through its three powers (the judiciary, the legislature and the executive), has thus taken determined action to promote and protect human rights, taking due account of public opinion and international monitoring mechanisms.

##### **1. Role of the judiciary**

Under the democratic system which the State of Kuwait has adopted based on the principle of the separation of powers, the judiciary performs a vital and entirely separate function from that of the executive authority and the legislature.

The courts of different kinds and different levels have sole jurisdiction to decide on the cases laid before them. They can neither relinquish this function nor cede it to a third party. Judges render their decisions subject to no authority other than the law. They are rightfully designated as the protectors of rights and the guardians of freedoms. In order to allow judges to play this role effectively, the Kuwaiti Constitution stipulates that no body has any influence over judges during the decision-making process. Under no circumstances is interference in the course of justice permitted. The law explicitly guarantees the independence of the judiciary and stipulates guarantees and provisions applicable to judges and to the conditions under which they may not be removed from office (art. 163).

The recent Judicial Regulation Act issued by Decree No. 23 of 1990, as amended, lays down rules and norms which ensure judicial independence and guarantee that the judiciary as both an institution and a body of individuals is not subjected to unlawful coercion. The provisions on the appointment of judges stipulate that appointments and promotions must be approved by the Higher Council of the Judiciary and that judges may

only by removed from the bench under the disciplinary proceedings provided for in the Act. Every care has been taken to develop judges' professional competence, as reflected in the establishment of the Judicial Institute, and of a system for reviewing the work of judges and conducting regular performance appraisals.

In discharging their essential functions, judges apply criminal law and the provisions thereof which make it an offence to cause bodily harm, to insult or defame another, to infringe personal liberty or to interfere with a person's property in particular ways. In punishing offenders, judges take account of a set of factors, including penal policy, which is designed to curb offending and to inflict penalties that will serve as a deterrent for others, thus providing an effective guarantee for the above-mentioned rights.

The courts at different levels also apply civil law and the provisions thereof regulating the exercise of property rights, freedom of opinion, intellectual property rights and the modalities for protecting author's rights, having due regard for the international treaties which have been signed by Kuwait and have become part of Kuwaiti law.

In this connection, the courts have authority under the legislation on criminal procedure to scrutinize the procedures used to conduct searches of persons and their homes to ensure that they are really necessary for the purposes of investigations. In criminal cases, the courts ensure that the necessary guarantees are provided to allow all defendants to exercise their right to a defence, since this is an inalienable right afforded under the Constitution (art. 34). We should like to illustrate the role played by the courts in applying human rights principles by drawing attention to the following:

1. A comprehensive guide was prepared providing key procedural information and advice to nationals and foreign residents in order to familiarize them with their rights and duties under the Constitution and the laws in force.
2. Administrative courts were established as custodians of the law, and the Constitutional Court was established as the guarantor of constitutional law.
3. Divisions were assigned to hear labour disputes, personal status cases, juvenile cases and other particular kinds of disputes.
4. The courts draw attention to any legal loopholes or problems that they may happen to find while applying the law, so that the relevant authorities can take due note of them and take action to deal with them. They also draw attention to key issues having to do with the observance and protection of human rights.

## **2. Role of the legislature**

The system of government in Kuwait is that of a democracy in which the nation is the source of all powers and the three powers of State (the executive, the legislature and the judiciary) are separate but cooperate with each other in accordance with the Constitution. The legislature plays a key role in policy- and lawmaking and in overseeing the actions of the executive authority. The parliament plays a major role in monitoring human rights, using the tools provided for in the Constitution. Under article 115 of the Constitution the parliament is required to establish parliamentary committees. Examples of such committees include the Petitions and Complaints Committee, the Legislative and Legal Affairs Committee, the Education, Culture and Guidance Committee, the Health, Social Affairs and Labour Committee, the Committee for Persons with Special Needs, the Youth and Sports Committee, the Women and the Family Committee, the Committee for Stateless Persons, the Environmental Affairs Committee and the Housing Committee. In this connection, the Human Rights Committee is an important parliamentary committee with responsibility for

follow-up on vital issues pertaining to the observance of human rights including, by way of example:

- Reviewing the legislation in force in Kuwait and introducing amendments to provide effective human rights guarantees
- Ensuring compliance with the minimum standards of treatment for accused persons and prisoners and that the human dignity of these persons is respected, in accordance with the Constitution
- Monitoring governmental bodies to make sure that they observe human rights
- Working with public welfare associations to raise awareness of human rights
- Organizing seminars, conducting human rights research and studies and creating a specialist library of all constitutional and domestic and international legal instruments that deal with human rights
- Developing contacts and documenting relations with international organizations, civil society organizations, parliaments in other countries and other entities involved in human rights, in order to exchange experiences and information and to follow up on human rights violations at the international level, and taking part in relevant international meetings
- Receiving complaints and observations on human rights practices, devising appropriate solutions and following up with the authorities concerned

### **3. Role of the executive authority**

Kuwait deals with all matters pertaining to the promotion and protection of human rights through the State institutions which monitor the observance of these rights in accordance with the applicable regulations and laws. These institutions include the following.

#### **The Government Performance Follow-Up Mechanism**

This institution scrutinizes the work of ministries and submits an annual report to the Prime Minister drawing attention to any wrongful practices that have occurred, explaining the action taken and making proposals on how to improve the Government's performance.

#### **Women's Affairs Committee**

Established by Cabinet decision No. 634 of 30 June 2002, the Women's Affairs Committee liaises between national bodies such as government institutions and civil society organizations on women's issues, proposing general and targeted policies on women and also representing women in Arab and international forums.

#### **Supreme Human Rights Committee**

This Committee was established pursuant to Ministerial Decision No. 104 of 2008. It is chaired by the Minister of Justice and its members represent the institutions which deal with human rights matters in Kuwait. The Committee's functions include: providing its views and advice to State decision-makers on all human rights issues; reviewing regulations and laws and suggesting amendments thereto; raising awareness of human rights through the media; providing training to relevant personnel; and commenting on international human rights treaties. The Committee has three specialized subcommittees: the Domestic Follow-Up Subcommittee, the International Liaison Subcommittee and the Human Rights Promotion Subcommittee.

### **National Standing Committee on International Humanitarian Law**

This Committee was established under the aegis of the Ministry of Justice, pursuant to Ministerial Decision No. 244 of 2006. It was entrusted with follow-up on all matters with a bearing on international humanitarian law. It acts as an advisory body for State decision-makers on the various issues involved in applying the international humanitarian law norms by which the State is bound. It also raises public awareness of these matters in conjunction with all the relevant institutions.

### **Public Authority for Minors' Affairs**

This is an independent institution with legal personality which was established by Act No. 67 of 1983. By virtue of its functions, it represents a unique and groundbreaking experiment on the global stage. It acts as a trustee for minors and wards without a testamentary tutor or a legal guardian and for children who lack capacity or are orphans, protecting their assets and safeguarding and developing their property.

### **Martyr's Bureau**

The Martyr's Bureau was established pursuant to Amiral Decree No. 38 of 1991 as part of the Amiri Diwan (the Office of the Amir) to honour martyrs and to provide material and moral humanitarian assistance of various kinds to martyrs' families. Through it, the State expresses its appreciation to those citizens who lost their lives defending the nation.

### **Supreme Council for Family Affairs**

This body was established by Amiral Decree No. 401 of 2006, under the presidency of His Highness the Prime Minister. Its members are relevant ministers and other public figures and its function is to strengthen family unity, to preserve family cohesion and to develop the capacities of families in order to ensure security and social stability for all.

### **Public Endowments (*Awqaf*) Foundation**

This is a public institution which administers assets donated by individuals under wills and via instruments authorizing the Foundation to administer these assets and to invest them in development, educational and social projects which serve the community and its institutions.

### **Bait al-Zakat**

Established by Act No. 5 of 1982, Bait al-Zakat is a public institution which has its own budget and is endowed with legal personality. It distributes money given through the alms-tax (*zakat*) and spends it in accordance with sharia precepts, performing charitable work in Kuwait and abroad, in keeping with the teachings of Islam. It is a pioneering institution which is unique to Kuwait.

### **Public Institution for Social Security**

The Public Institution for Social Security was established by Act No. 61 of 1976 to administer the social security system which provides insurance coverage in respect of old age, invalidity, illness, work injuries and death for civilians employed in the Government, private and petroleum sectors, as well as the self-employed and others of similar status.

### **Environment Public Authority**

This is a scientific, advisory institution which oversees and deals with environmental issues, including the conservation of natural resources, measures to combat environmental



pollution, the preservation of biodiversity and the ecobalance, the realization of sustainable development and comprehensive social planning. The Authority makes sure that organizations and individuals comply with the rules which it establishes within its area of competence.

#### **International Islamic Charitable Organization**

This organization was established by Act No. 64 of 1986 to provide humanitarian services to the poor and needy throughout the world without any discrimination or prejudice and without interfering in politics or ethnic conflicts. The organization carries out economic, health, educational, cultural and social activities and delivers emergency relief.

## **VI. Protection of human rights and fundamental freedoms on the ground**

Best practices are reflected in the indicators on the State's observance of, and commitment to, human rights under the relevant international treaties and instruments, in particular international humanitarian law and international human rights law. An overview of the efforts made by Kuwait in this regard shows that all State institutions are broadly committed to, and manifestly take account of, human rights and strive to observe them, as explained below.

### **1. Role of the courts**

The Kuwaiti courts, headed by the Constitutional Court, play a major role at their different levels in the promotion and protection of human rights, both through the judgements that they hand down and the principles and rules which they specify.

For example, with regard to the different stages of human life, the courts have established that:

- Children have the right to have their filiation recognized based on a declaration or an evidentiary document, without relying solely on a DNA report. They also have the right to be given an appropriate name and to protection of their interests in respect of care. Children retain their capacity and can testify in court without taking an oath. Illness is acceptable as a reason for being excused from attending court proceedings.

As for fundamental human rights and general freedoms, the courts have decided as follows:

- Protection of private property is a fundamental social principle. The State may only expropriate private property in the public interest and in exchange for providing fair compensation. Endowments and related procedures are regulated.
- With regard to the right to work, workers may provide comprehensive evidence of their employment status and the submission of a petition to the Ministry of Social Affairs and Labour demanding work-related entitlements has the same effect as filing a court action. A right or benefit granted under a labour regulation will be the basis on which the termination of service indemnity is calculated, even if this is not consistent with the Labour Code. The right of appeal in respect of taxes and other levies is recognized, as is the right to appeal against an administrative decision within 60 days of notification. Laws and decisions which protect workers apply from the date on which they are issued, and eligible persons are entitled to receive the subsistence allowance up to the age of 26.

- In order to ensure continuity in economic activity, it was decided that debtors would be given a deadline for repaying their debts and that lenders would be held financially liable vis-à-vis persons whose interests had been damaged as a result of lending operations.
- In order to preserve public order and public health, it was decided that public places and places posing a risk to public peace or public health must be subject to surveillance.
- Equality before the law is assured by equating defendants with convicted persons in respect of appeals against fines of up to 40 Kuwaiti dinars (KD). Verdicts in criminal cases must be based on certain proof, not on supposition.
- Equality before the law is assured. Guaranteeing equality and non-discrimination among citizens involves balancing public rights and freedoms with the public interest, based on constitutional law. The courts are required to apply international human rights treaties, together with domestic laws.
- Public freedoms are regulated. With regard to freedom of expression, the Constitution guarantees the means for expressing ideas in accordance with the law and any publishing offence involving any form of indecency must be evaluated objectively based on the law. Citizens have the right to freedom of thought and opinion, including the right to make criticisms. Anyone who damages the reputation or violates the dignity of another person is liable to punishment. Defamation is forbidden and is a punishable act. The Constitutional Court came to the same conclusion in a ruling which established that: freedom of opinion is guaranteed; every citizen has the right to express his or her opinion orally, in writing or by other means; the freedom to publish and freedom of opinion are constitutional principles; and values are unassailable. The Court also found certain parts of the Public Assemblies and Gatherings Act to be unconstitutional.
- The courts have reaffirmed the importance of the right to freedom of movement by requiring travel injunctions to be announced two weeks before their issuance in order to give the party concerned the opportunity to mount a challenge. Injunctions will be declared null and void if they are not announced in a timely manner.
- Parliamentary immunity means that no criminal proceedings may be brought against a member of parliament. This system is designed to allow members of parliament to perform their parliamentary duties of representing the views and demands of their electorate.
- With regard to freedom in the home, the regulations state that persons and homes may only be searched and items, correspondence and personal computers may only be examined as provided for in the law.
- As for penalties, no penalty may be imposed for offences which carry a prison sentence and no criminal responsibility may be attributed in cases where a plea of necessity or lack of responsibility is made, if the person concerned had no freedom to choose. Moreover, the Office of the Public Prosecutor is a fair party at law and represents the public interest. The Constitutional Court furthermore ruled that certain provisions of the Criminal Code on concealing the proceeds of crime were unconstitutional, since the penalty was the one prescribed for the commission of the offence.
- The Appeal Court does not ignore women's rights in general. Indeed, it has recognized the right of Kuwaiti women civil servants who are widowed to receive social allowances for their children, regardless of whether or not the father was a Kuwaiti national.

- The Court of Appeal does not ignore but rather upholds the rights of persons after death. It has established that everyone who can be shown to have been a prisoner of war or to have disappeared during the Iraqi invasion will be deemed a martyr and the family members will be entitled to the benefits deriving from that status.

## 2. Illegal residents

There is no doubt that the economic boom in Kuwait in the early 1970s and the consequent rise in living standards led to a significant influx of irregular migrants from other States in the region and elsewhere.

Even though many of these persons are illegal residents, Kuwait has provided them with care, based on humanitarian considerations, and has done much to deal with their situation from a humanitarian, security, social, cultural and economic perspective.

The fundamental issue here is the common misconception, which many of these persons harbour, that concealing their nationality is the best and quickest way of obtaining Kuwaiti nationality and that their illegal status would change if they were to produce a passport or declare their true nationality, as they would then forfeit the privileges that they enjoy and their application for Kuwaiti nationality would be dismissed. Many of these persons have therefore clung to their illegal status in the hope of obtaining Kuwaiti nationality, overlooking the fact that nationality is regulated by the law and the Constitution, based on a set of conditions, rules and principles and the security, social, economic and cultural criteria which determine the national interest.

Under the general framework adopted by the State of Kuwait, specific measures have been taken to find radical and definitive solutions in accordance with a number of key principles and criteria, in particular that the person concerned must have taken up residence in Kuwait in or before 1965. Security is the critical factor in dealing with this problem, while a person's employment and residence status is an element which cannot be overlooked in respect of all non-Kuwaiti residents, as it is important to ensure compliance with the law and the rule of law and to make sure that executive measures taken to resolve the problem do not infringe the law.

The State has taken measures, in the framework of cooperation among the three powers of State (the executive, the legislature and the judiciary), to find meaningful solutions for this problem as follows:

- An executive committee was established to deal with irregular migrants and to devise appropriate solutions, taking into account the various dimensions and implications of these solutions, in keeping with the terms of reference set out in the decree establishing the committee.
- A higher ministerial committee on Kuwaiti nationality was established to examine and analyse all applications for naturalization. As a result, a large number of irregular migrants and their children below legal age have been granted Kuwaiti nationality in accordance with the established regulations and criteria.

In this connection, it should be noted that the State of Kuwait provides, and pays, for the children of irregular migrants employed in State ministries to be educated at public schools on the same footing as their Kuwaiti counterparts and with the same rights and duties. Moreover, a charitable fund was established in 2003 to subsidize education. The fund, which is overseen by the Ministry of Education, the Public Foundation for Endowments and the Executive Committee for the Affairs of Irregular Migrants, provides for the education of the children of employees in other sectors. In 2008/09, a total of 20,096 such children were provided with an education, at a total cost of \$15 million. With regard to

health care, a charitable fund was set up for the children of irregular migrants in need, serving more than 60,000 beneficiaries at a total cost of \$6,320,000.

On humanitarian grounds, the State allows many of these persons to travel abroad to receive treatment, to study or to perform religious rituals.

### **3. Contract workers**

In keeping with the principles set out in the Constitution on the freedom to do work of one's own choosing and on the regulation of labour relations based on the principles of social justice, and further to the (more than 18) international labour conventions to which Kuwait has acceded, legislative measures have been taken to codify minimum employment rights and to provide conditions of employment which prevent the exploitation of workers and guarantee safety at work. A law has been enacted which deals with work in the private sector, together with a large number of regulatory decisions on all aspects of work, from recruitment and employment to the procedures for resolving disputes with employers in order to guarantee access to statutory entitlements. Many decisions have been issued on the protection of workers.

#### **Efforts of the State with regard to contract workers**

The State has issued numerous laws and decisions which deal with certain kinds of disputes regarding the enforcement of employment contracts between workers and employers. As a result, a number of guarantees have been provided, as follows:

- The Labour Code No. 38 of 1964 contains a series of precise and fundamental rules regulating employment and employment relations in Kuwait. The Code also specifies employment criteria and rules in a clear and detailed manner.
- Decree Law No. 40/92 regulates agencies which recruit domestic workers. A department was set up at the Ministry of the Interior to oversee the application of this Decree Law, which provides for inspections of these agencies and for investigations into any illegal activities in which they may be involved.
- A tripartite employment agreement was drawn up for domestic workers further to consultations between workers, employers and recruitment agencies. Contracts must specify a minimum wage, working hours, annual leave entitlements and the requirement to provide domestic workers with accommodation, food and medical care services.
- For enterprises, employment contracts must stipulate a minimum wage, and the employer must pay for the employee's accommodation, food, health insurance and transport.
- The minimum wage must be reviewed every five years, and employers are not permitted to withhold an employee's travel documents. Employees may transfer to a different employer, without needing permission to do so, three years after taking up their original employment.
- A residential centre was established to provide services to migrant workers pending the settlement of their affairs or their return to their country of origin. In this connection, the centre has provided assistance to a number of domestic workers without the means to leave the country. It helped them to resolve their situation with their employers and facilitated their departure by giving them travel tickets, paid for jointly by the State of Kuwait and the home country Governments. A hotline has been set up to receive complaints from workers about infringements of their rights and to forward them to the competent authorities. Steps were taken to set up labour

law sections in the administrative departments of the Ministry of Social Affairs and Labour in order to facilitate conflict resolution.

- Kuwait participated in a workshop held in conjunction with the bureau of the International Organization for Migration (IOM) mission in Kuwait in February 2009. The topic of the workshop was strengthening the Department of Migrant Labour in Kuwait, and the event was attended by representatives of the Government and civil society, workers, and labour attachés from labour-sending States.
- At the end of 2009, a workshop, the first of its kind in Kuwait, was held to train a group of trainers on the regulation of migrant labour. The workshop was attended by representatives of the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Social Affairs and Labour and civil society organizations in Kuwait.
- The population of Kuwait is 3.4 million. Of this number, 1 million persons are Kuwaiti citizens; the rest are foreign workers from over 180 countries. The number of work-related complaints is tiny compared to the number of workers. In 2009, a total of 9,763 complaints and cases were filed, of which 1,297 were resolved, 3,199 were referred to the courts and the rest were put on file, either because the complaint was withdrawn or the matter was still under investigation.

#### **4. Trade unions and federations**

Kuwait is a democracy, and article 43 of the Constitution guarantees the freedom to form a trade union in accordance with domestic norms and by peaceful means. No person may be forced to join a trade union. This is consistent with the international convention on trade union rights and freedoms to which Kuwait has acceded. Forty employers' federations have been established to date and there are 58 registered trade unions and trade union federations operating in the public and private sectors. Trade unions have independence and legal personality.

#### **5. Civil society institutions**

Act No. 24 of 1962, concerning public welfare clubs and associations, was issued in keeping with the State's belief that civil society institutions are social partners in all activities which promote and give effect to freedom of expression and opinion and help to disseminate a culture and awareness of citizenship rights and social solidarity. The Act furthermore expresses the State's faith in the important role of these associations in promoting human rights and raising public awareness. As of the end of October 2009, there were 140 such associations with separate legal personality and objects of various kinds. These associations can be grouped as follows:

- Occupational associations (18)
- Women's associations (5)
- Associations for persons with special needs (8)
- Charitable associations (10)
- Charities with a specific object (67)
- Sociocultural associations (29)
- Arts associations (3)

Over the past financial year, the State has provided these associations with over \$17 million in the form of annual subsidies for their participation in regional and international conferences and meetings.

## **6. Freedom of opinion**

The Constitution guarantees freedom of the press, printing and publishing and freedom of thought and opinion (arts. 36 and 37). This is a rule, to which the only exception is where publication would constitute an offence against public decency or human dignity or freedoms. Act No. 3 of 2006, concerning printing and publishing, replaced Act No. 3 of 1961. The new Act opened the way for the establishment of several daily and weekly newspapers, as well as satellite channels, under conditions which people were able to meet. In the 2009 report of the organization Reporters Without Borders, the State of Kuwait has the highest rating of any Arab country in terms of guaranteeing press freedom.

## **7. Freedom of religion and belief**

Article 2 of the Constitution of Kuwait states: "The State religion is Islam and the sharia is the main source of legislation. Laws are enacted in conformity with the sharia." Article 35 of the Constitution stipulates: "Freedom of belief is absolute. The State protects the freedom to practise religion in accordance with established customs and without prejudice to public order and public morals."

Based on this premise, the State grants the followers of all denominations of the revealed religions the freedom to practise their religion and to establish their own places of worship without any interference or restrictions, subject only to the maintenance of public order.

The World Centre for Mediation was established in keeping with the State's commitment to disseminating a culture of tolerance and to rejecting extremism through engagement in constructive dialogue with all the revealed religions.

## **8. Women**

The State of Kuwait takes a close interest in the welfare of women and has given women more rights than duties in recognition of their active role in the maintenance of society and social stability. Women enjoy the same rights as men in many areas of life, without any discrimination, in particular with regard to civil, political and trade union freedoms, the right to education and health care, the right to own property, freedom of expression and freedom of association.

Hence, women are recognized as having separate legal personality and full capacity on the same footing as men, without any discrimination, in accordance with article 29 of the Constitution, which states: "All persons have equal human dignity and are equal before the law." These rights have been strengthened through actions taken by various State institutions, including, for example, the following:

- The first ever delegation of women students was sent to study in the Arab Republic of Egypt in 1956.
- By Act No. 35 of 1962, concerning elections to the National Assembly, the legislature granted women the right to exercise their political rights. Women took part in the electoral process for the first time in 2005, and four women candidates were elected in the 2009 parliamentary elections. There are also women holding

ministerial portfolios and women who sit on the Municipal Council, one of Kuwait's representative bodies.

- Women occupy several top positions in Kuwait, as undersecretaries of State and ambassadors and also in a wide range of sectors, including the diplomatic corps and some military posts, as well as positions as assistant judges, public prosecutors and State attorneys. In addition, women hold senior posts in academia, the media, the economic and commercial sector and the social work sector.
- Act No. 38 of 1964, concerning private sector employment, applies to workers of both genders. The legislature does not grant women workers fewer rights on account of their sex. On the contrary, it offers them protection, safeguards and rights that are not afforded to male workers, including, for example, through rules prohibiting the employment of women at night or in hazardous or dangerous work. Moreover, women who leave work of their own accord within six months of marriage are entitled to receive a full end-of-service indemnity.
- The State adopted Act No. 52 of 2007 by which Act No. 38 of 1964, concerning private sector employment, was amended. Articles 23 and 24 of the Act were amended to offer greater guarantees than provided for in the original articles in respect of women's employment in night work and the prohibition on their employment in particular occupations and industries. Thus, under article 23, as amended, the legislature requires employers to provide transport for, and to ensure the safety of, women who are employed in night work. Under article 24, as amended, the legislature prohibits the employment of women in occupations which involve immorality or acts of indecency and which are based on the exploitation of women as women. Likewise, women may not be employed in sectors where services are provided exclusively to men. In order to provide women with protection and safeguards against infringements of their rights, the legislature decided to grant public officials responsible for enforcing articles 23 and 24 police powers and the right to call on the security forces for assistance. In this regard, as at the end of October 2009, some 73,743 women were employed in the private sector.
- Kuwait ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1994.

The State takes the utmost care to provide social welfare for women, as explained below.

- Social assistance is offered to women who are unable to work or do not have access to work, together with those whose income is too small to ensure a decent living. The categories entitled to social assistance include a large cross section of women, such as divorcees, widows, unmarried women and Kuwaiti women married to foreigners, where the husband is the dependent spouse.
- Training courses and workshops are held to develop women's talents and build their capacity to earn their own living, which they are then encouraged to do.
- Psychosocial counselling is offered by specialists to help women to resolve their family difficulties and social problems, since psychosocial stability is the foundation of individual and social development.
- Under the Public Institution for Social Security Act women workers are afforded numerous special privileges in terms of service and age criteria. Length of service requirements may be reduced if a woman worker has to care for her husband or a child with a disability, and the Institution offers women whose father is dead a grant to help pay for the costs of their wedding. Widows are furthermore entitled to

combine their salaries with their rightful portion of their deceased husband's pension and other allowances.

## 9. Children

The State is committed to providing for the welfare of children in accordance with constitutional principles and Kuwait's international obligations under the treaties and conventions which it has ratified and signed, in particular:

- The International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138)
- The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)
- The Convention on the Rights of the Child and the two optional protocols thereto

Measures have been taken to: protect the rising generation from exploitation or physical or spiritual harm; deliver health care and treatment for infectious diseases; guarantee the right to education; and introduce compulsory, free education. In keeping with these principles, the following measures have been taken.

- Primary health care and preventive health services for children are provided to reduce mortality rates and encourage healthy behaviours.
- Children are shielded from neglect, exposure to delinquency, infringements of their freedoms and bodily harm through the criminalization of these acts and the higher penalties imposed for their commission. The relevant measures are set out in various articles of the Criminal Code No. 16 of 1960 and the Juveniles Act No. 3 of 1983. A ministerial decision was issued by the Ministry of Health in 2009 ordering all doctors to report cases of physical, sexual and psychological abuse. Health committees were set up in the regions to monitor and follow up on any cases that might be found.
- The assets of minors are protected by the Public Authority for Minors' Affairs, which was established by Act No. 67 of 1983. The Authority acts as a legal representative for minors, managing and protecting their assets and any claims thereon until they reach legal age (21 years). The Authority also offers protection in other cases, on humanitarian grounds.
- Children are not allowed to participate in camel racing, and race organizers are required to use robots as camel jockeys instead.
- Institutions have been established to offer cultural, leisure and residential services to children. A case in point is the Department for Women and Children, which offers facilities including kindergartens and private crèches for children who are too young for kindergarten. Other examples are the Department of Family Care and its Children's Home, and the Department of Juvenile Welfare.
- Provision is made for children of unknown parentage and orphans in a similar situation through encouraging ordinary families to care for these children, in order to ensure their psychosocial stability and to integrate them into the community. In this regard, under Decree Law No. 82 of 1977, concerning family care, such families are entitled to additional financial assistance to enable them to meet the needs of children in their care and to set aside money each month for these children so as to allow them to shoulder the burdens of life more easily once they become independent.



- The Supreme Council for Family Affairs was established to strengthen family unity and cohesion as a means of creating security and stability in the community, since these are vital for the upbringing of a child. The Council deals with all matters relating to the family, including the establishment of crèches in women's workplaces and programmes to protect children from exposure to all forms of delinquency.

The health report on the draft programme of cooperation between Kuwait and the United Nations Children's Fund (UNICEF), 2007–2009, sets out the following facts:

- The under-5 mortality rate dropped from 128 per 1,000 live births in 1960 to only 8 per 1,000 in 2005
- The maternal mortality rate (deaths during or in connection with delivery) is very low, at no more than five deaths per annum. In almost 95 per cent of cases, deliveries are performed under the supervision of a medical team
- A total of 98.7 per cent of Kuwaiti children receive a full range of vaccinations

Dr. Susan Kamel Farhood, an official of the World Health Organization who deals with children's health, concluded, following a mission to Kuwait, that the health-care provision for children in Kuwait is a model for other countries of the region, given the preventive health and health awareness programmes on offer, in addition to paediatric care which encompasses psychological and social assistance. She observed that the child mortality rate is the lowest in the region (at 1 case per 1,000 live births). She also praised the Healthy Child Clinic, where families can consult a paediatrician for regular check-ups, even if a child has no specific illness, for the purposes of screening for disease.

Dr. Farhood likewise praised the medical examination procedure as a whole, the immunization programme and the guidelines and advice provided on children's education and behaviour, together with the responses offered to families' questions about all aspects of children's mental and physical health. She expressed admiration for the computer systems in place in primary health-care units in Kuwait, which make it easier to record information quickly and accurately on children in Kuwait.

## 10. Persons with disabilities and older persons

The State offers a comprehensive package of care and treatment for persons with disabilities and older persons. In this connection, it has provided care as follows.

### Persons with disabilities

- Kuwait offers these members of society special care, consisting of all forms of welfare provision. Every facility is offered to ensure them a decent life, and disability does not constitute a ground for denying these persons rights such as the right to education, rehabilitation, training and employment. In this connection, a special law, Act No. 49 of 1996, was adopted and several departments were established to care for these persons, improve their situation, contain the adverse effects of disability, create the conditions for the exercise of the rights of these persons and for their integration into society.
- The Higher Council for Disabled Affairs was set up to deliver services to all age groups. Within the Council there are various specialized committees, including a medical committee, an educational committee and committees dealing with assistance, legal matters, prosthetics, studies, etc.; the members are specialists from various State institutions. The Council issues cards to persons with disabilities, indicating the nature of their disability. The cards can be used to receive such benefits as are provided under the law and in dealings with governmental and non-

governmental organizations. Card holders can also use the cards to gain access to services and facilities provided by governmental and private institutions.

- The Council pays fees to support students attending private schools, subject to the conditions established for the awarding of Council grants, where the subject of study is not offered at Ministry of Education schools. The State furthermore waives customs duty on medical items and equipment for persons with disabilities, in conformity with article 12 of Act No. 49 of 1996, concerning the welfare of persons with disabilities. Under this article, equipment used for the rehabilitation of these persons and assistive devices are exempted from customs duty and tax.
- The Council liaises with other bodies to serve persons with disabilities. For example, it liaises with the Civil Service Commission on matters relating to employment, with the Ministry of Education on monitoring by specialists of schools and classes for disabled persons and with the Ministry of the Interior on mobility and transport issues and the enforcement of relevant laws and legislation. These persons are issued with special licence plates for their vehicles.
- The Council pays a stipend to persons with disabilities (a disability allowance) who are 18 years old or over. The total amount disbursed is \$20 million. Those under the age of 18 are entitled to social assistance under the Public Assistance Act No. 22 of 1978. The amount of assistance disbursed in this regard was \$56 million in 2008/09.
- Kuwait has taken care to establish special schools offering educational and rehabilitation services to children with disabilities. It has also set up eight special associations and clubs, including a sports club, for persons with disabilities. The object of these institutions is to develop the skills of persons with disabilities and to provide for their social integration.
- The State gives priority to housing provision for persons with disabilities and for families with a person who is disabled.

### **Welfare of older persons**

Kuwait is committed to providing comprehensive social welfare targeted at older persons. The Kuwaiti legislature incorporated a number of social principles into Act No. 11 of 2007, concerning the welfare of older persons, and established regulatory systems to provide these persons with the best possible care and protection, including the following.

- Residential care: A full range of services is available around the clock.
- Home-based care: This type of care is a model with regard to the provision of free State services and includes health-care services as well as access to equipment and financial assistance. In order to emphasize the importance of family and social solidarity, older persons are placed with their families and receive care at home. In 2009, a total of 2,516 persons were receiving care in the home, while 35 were in residential care.
- Day care: A centre with state-of-the-art facilities provides psychological and social services.
- Follow-up care: A system of follow-up exists to provide advice and counselling to persons referred to institutions.
- Legal assistance: Older persons who are incapacitated are placed under mandatory legal guardianship, as provided for by law, in order to prevent others from taking advantage of them. Under Act No. 11 of 2007, a family member or relative may be appointed to care for an older person and will receive an allowance for doing so. The legislature has introduced penalties for negligence in respect of this duty of care.

## 11. Health care

Kuwait is committed to providing free health care, which is recognized as a human right under articles 10, 11 and 15 of the Kuwaiti Constitution, at all stages (through 87 primary health centres, 6 public hospitals and 32 specialized medical centres). Health coverage ensures equity and equality among all individuals in terms of ensuring access to health services and health care (the governmental and private sectors) and responding to the health priorities of all sectors of society (nationals, foreign residents, adults, children, persons with special needs, women, younger persons, workers, etc.).

1. As far as financing is concerned, the State allocated KD 962.2 million from the 2008/09 general budget for health care. This figure represents 5.2 per cent of the total State budget.

2. As of 2008, the numbers of qualified staff in health institutions was as follows: dermatologists (4,352), dentists (742), pharmacists (716), nurses (9,858), medical technicians (6,600), non-medical technicians (2,105), administrators (8,403) and ancillary and support staff (1,214). The total workforce was 33,990, with Kuwaiti nationals accounting for 49.4 per cent of the total number.

3. The health service coverage figures are comparable to those of developed countries. For example, since 2006, there has been 99 per cent coverage for the following vaccinations: measles, hepatitis B and triple vaccine (diphtheria, pertussis and tetanus (DTP)). Some 95 per cent of tuberculosis cases are diagnosed by means of direct observation.

4. The health indicator trends are positive: in 2008, the rates per 100,000 live births were as follows for: the crude birth rate (17.3), the crude mortality rate (1.7) and the rate of natural increase (15.6).

5. The State has taken care to provide preventive care and treatment to deal with new pandemics such as SARS (severe acute respiratory syndrome), avian influenza and swine flu. It provides essential drugs and serums under the emergency health plan to protect public health.

## 12. Right to education

Kuwait takes a close interest in the realization of the right to education, as illustrated here below.

- Education has been provided free of charge at all stages from kindergarten to university since 1956 and is compulsory at the primary and secondary stages. According to the 2009 Human Development Report of the United Nations Development Programme (UNDP), Kuwait is the leading Arab country in this domain.
- Spending on education accounted for 14 per cent of the State budget in 2008.
- Kuwait has succeeded in eradicating illiteracy: the illiteracy rate in 2009 was 3.5 per cent.
- With regard to education for persons with disabilities, Kuwait provides comprehensive education services and integrates persons with disabilities into the general education system or else establishes special schools for them.
- The State affords everyone living in Kuwait the right to education and has given permission for private schools to be created for expatriate communities in Kuwait.

- With regard to higher education, Kuwait University was established in 1966 and offers a full range of academic subjects. Women have played an important part in the University since it was founded, whether as students, faculty members or deans. In 1993, a woman was appointed to the position of President of the University, and the Public Authority for Applied Education was established with five general colleges and nine specialized institutes. Kuwait has authorized the creation of private universities, of which there were seven at the time of writing of this report.
- As of the 2008/09 academic year, the State had given study grants for general education to individuals from some 63 States, while, as of 2007/08, it had given university grants to people from 36 States.

### **13. Strengthening a culture of human rights**

Kuwait has not been content with merely providing for human rights in the Constitution and relevant legislation but has gone further by making sure that human rights values take root in society and by strengthening the human rights culture at all levels, including in media discourse, in education and in regulations.

Human rights began to be taught as a separate subject in secondary schools in 2006 with the aim of:

- Raising awareness of the importance of democracy, the Constitution and human rights; providing related knowledge and information; preparing students for a life in which they apply democratic principles, the Constitution and human rights precepts; promoting relevant human values; and shaping positive response to democracy, the Constitution and human rights in general. Instruction is provided on human rights concepts and sources and on the importance and nature of these rights, together with the role of international organizations in protecting them. Some of these rights are reviewed in greater detail. Kuwait University has a curriculum on human rights.
- The security services provide education and training to military and other personnel from when they enrol in security services colleges and institutes. The subjects of study and the curricula include international humanitarian law, human rights and relevant criminal laws and the purpose is to offer a thorough grounding in Kuwaiti law with a focus on supporting and promoting human rights principles in Kuwait. The security services enrol their personnel, on an ongoing or periodic basis, in advanced training courses to allow them to follow developments in this field, since these personnel play such an important role in maintaining law and order, protecting people and enforcing laws and court decisions which support human rights.
- As far as judicial and legal training is concerned, the Kuwait Institute for Judicial and Legal Studies plays a key role, liaising with the Ministry of Justice on the organization of training courses and workshops for relevant human rights bodies on international covenants and instruments and the domestic laws of Kuwait. Judges, deputy public prosecutors and legal researchers from various institutions, including the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Labour and the Ministry of Foreign Affairs, are involved in these courses.
- Kuwait spearheaded and participated actively in the efforts to formulate the Arab Plan for Human Rights Education, 2009–2014, under the auspices of the League of Arab States. The Plan was adopted by all Arab States at the Arab Summit held in Damascus in 2008. Its purpose is to integrate human rights into the education system at all stages, to provide training for human resources on human rights education and to create an appropriate educational environment for, and expand community

participation in, the dissemination of a human rights culture. The Plan as a whole is designed to include all ministries with any involvement in human rights issues.

#### **14. The environment**

The right to live in a clean environment is a very important right as far as the State of Kuwait is concerned. The Constitution highlights the importance of a healthy environment and of protecting individuals as well as conserving natural wealth and resources. Accordingly, Kuwait has set up a number of environmental organizations, such as the Kuwait Institute for Scientific Research, the Environment Public Authority and other institutions and associations.

Kuwait has signed conventions on environmental protection such as the Convention for the Protection of the Marine Environment of 1978 and the Convention for the Prevention of Marine Pollution of 1961 and has consistently taken part in relevant international conferences such as the Conference on Environment and Development held at Rio de Janeiro in 1992.

In this connection, Kuwait has taken steps to remediate its environmental system and has formulated remediation and development plans with a view to returning the environment to an optimal state. To that end, it set up the Higher Council for the Environment under the chairmanship of the First Deputy Prime Minister, who is also the Minister of Defence.

The iniquitous Iraqi invasion of 1990 had a major impact on the Kuwaiti environment — an impact which is still being felt even today — after more than 730 oil wells were set alight and millions of barrels of oil seeped into the land and the sea, forming over 320 oil lakes. Moreover, the invaders laid mines and destroyed and dismantled industrial plants, causing huge damage to the environment and a number of serious illnesses.

In this connection, the United Nations Compensation Commission has awarded \$2.8 billion to Kuwait for environmental remediation, following the wide-scale destruction to the environment caused by the Iraqi invasion. The competent State authorities are carrying out environmental remediation work to eradicate all traces of this destruction. A central committee, chaired by the Minister for Oil, has been established to oversee environmental remediation projects.

In order to promote positive values and the conservation of the environment, Kuwait has incorporated environmental subjects into its educational programmes. At the kindergarten stage, children are taught the habits of environmental protection and at the primary stage the subject of the environment is explored through educational activities and subjects. At the intermediate stage, curricula on life skills and the environment are taught, while an environmental education curriculum is taught at the secondary stage.

In this connection, Kuwait concluded an agreement with the Government of Japan on the establishment of a centre for environmental education, training and research in Kuwait — the first centre of its kind in the region. There is a plan to involve 43,000 students a year in the work of the centre. In 2007, Kuwait began developing programmes for 12 intermediate schools on improving the environment. The number of schools included then rose to 24. A total of 850 students were involved and 30 teachers were also trained. Children helped to clean up the beaches and were involved in an exercise to rationalize water and electricity consumption (by 25 per cent) and to reduce domestic waste by 20 per cent.

## 15. Humanitarian efforts of Kuwait to ensure sustainable development

Kuwait has made a major, substantive contribution to the promotion of sustainable development at home, in the region and internationally, as it is convinced that development is an important issue, which is linked to human rights and offers the means to improve the situation of individuals and society. Kuwait's efforts in this regard are listed below.

### National level

Kuwait has been producing development plans since the 1960s and provides all the means to implement them. It has consistently participated in international conferences on sustainable development and has worked actively with UNDP and others to implement strategies and plans. Kuwait has succeeded in attaining high rates of development. Two reports issued by the Ministry of Planning in 2003 and 2005 show that Kuwait has managed to meet most of the Millennium Development Goals before the 2015 deadline.

### Regional and international levels

Kuwait has maintained its well-established practice of providing development assistance and supporting infrastructure projects in over 100 developing and least developed countries. This it has done through the Kuwaiti Fund for Economic Development, which has provided in excess of \$14.5 billion in assistance since 1961.

Kuwait has launched initiatives to boost economic growth, raise living standards and reduce levels of hunger and poverty in States which have to contend with spiralling prices for basic food items. The so-called "Decent Life Fund" was established at the Fourth World Islamic Economic Forum held in Kuwait in 2008 to finance research in the agricultural sector and help the worst affected countries. Kuwait donated \$100 million to the Fund and a further \$300 million for the elimination of disease and poverty in the continent of Africa to the Islamic Solidarity Fund for Development, via the Islamic Development Bank.

Kuwait provides a higher proportion of humanitarian development assistance than the internationally agreed target (0.7 per cent) set at the Conference on Financing for Development held at Monterrey in 2002: 1.31 per cent of Gross Domestic Product, as compared with 0.45 per cent among member States of the Organization for Economic Cooperation and Development (OECD).

In this connection, in January 2009 Kuwait hosted the first ever Arab Economic Development and Social Summit, which was held under the auspices of His Highness Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah. The event reflects Kuwait's belief in economic cooperation and stronger international trade, which are closely linked and act as a bridge to strengthen ties among States. They are also the most important elements in achieving growth, progress and prosperity.

Several ambitious and major economic projects have been carried out to build new cooperation partnerships. A proposal by Kuwait on the establishment of a capital fund of \$2 billion was adopted to help finance small and medium-sized enterprises in pursuance of the Millennium Development Goals. Kuwait's contribution amounted to \$500 million.

The following table shows the number of voluntary annual donations made to international bodies and organizations.

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*Regular annual voluntary donations (in \$)*

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International Committee of the Red Cross (ICRC)	3 000 000
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*Regular annual voluntary donations (in \$)*

Office of the United Nations High Commissioner for Refugees (UNHCR)	1 000 000
United Nations Works and Relief Agency (UNRWA)	1 500 000
Office of the United Nations High Commissioner for Human Rights (OHCHR)	300 000
United Nations Children's Fund (UNICEF)	200 000
Global Fund to Fight AIDS, Tuberculosis and Malaria	500 000
United Nations Fund for Drugs Abuse Control	5 344
United Nations Voluntary Fund for Victims of Torture	10 685
United Nations Development Fund for Women (UNIFEM)	10 685
International Labour Organization (ILO)	500 000
International Organization for Migration (IOM)	200 000
World Health Organization (WHO)	500 000
United Nations Environment Programme (UNEP)	213 700
United Nations Development Programme (UNDP)	570 000
United Nations Central Emergency Fund (CERF)	50 000
International Federation of Red Cross and Red Crescent Societies (IFRC)	250 000
<b>Total voluntary donations</b>	<b>8 810 414</b>

## 16. International humanitarian cooperation

Kuwait has provided financial assistance and numerous donations of relief aid, including: \$100 million for countries hit by the tsunami disaster; \$100 million for countries badly affected by the earthquake in Southern Asia; and \$500 million for the victims of Hurricane Katrina. This assistance is provided based on the established principles of Kuwait foreign policy, which stresses the importance of promoting international security and peace, rejecting violence, refraining from interference in the domestic affairs of States, encouraging the peaceful settlement of conflicts and ensuring respect for human rights.

Kuwait has adopted a humanitarian policy based on providing emergency relief to victims of natural disasters, engaging actively with the international community and meeting its obligations vis-à-vis regional and international institutions, funds and programmes.

The Cabinet issued a decision in 2007 stating that 10 per cent of the value of any voluntary contribution made by Kuwait to a State confronting a public disaster would be assigned to the United Nations specialized agencies working in the field. It responded to the UNRWA appeal following the Israeli attack on the Gaza Strip by contributing \$34 million to the Agency.

Out of a desire to help the fraternal Republic of Iraq, Kuwait has provided assistance to resolve the cases of prisoners-of-war and missing persons. It made a voluntary donation

of \$1 million to finance a special programme on the identification of mass graves which is being run by the United Nations Assistance Mission in Iraq (UNAMI) jointly with the Ministry of Human Rights of Iraq.

Kuwait furthermore donated \$3.5 million to help the victims of the recent earthquake in Haiti to deal with the aftermath of the disaster and to alleviate their suffering. The Kuwaiti Red Crescent Society was tasked with delivering this assistance. The Society is a voluntary humanitarian association which offers assistance and aid to the most vulnerable in a particular social situation or a war or a natural disaster, whether in Kuwait or abroad. Assistance is offered without any discrimination on the grounds of religion, faith, sex or colour and without reference to the recipient's political or ideological beliefs. The Society is fully independent and has legal personality. It assists the authorities in humanitarian work.

Kuwait is a leading State in terms of the humanitarian relief assistance which it offers to the victims of natural disasters and its contributions to help end the suffering of these persons, particularly those in developing and the least developed countries. In order to deal promptly with the damage caused by these disasters in affected regions in all continents, based on relevant preliminary assessments, Kuwait offers assistance on a bilateral basis without any discrimination. Kuwait is also one of the top donors to the United Nations Central Emergency Fund (CERF).

## **VII. Challenges**

Notwithstanding the initiatives and commitments which Kuwait has undertaken, as described in this report, to promote all human rights, to keep pace with national and international developments and to update its own legislation, laws and regulations, a number of challenges remain, including the following.

- The State has done a great deal to resolve the problem of illegal residence. However, the competent State authorities have difficulty in determining the nationality of the persons concerned, as they do not cooperate and many hide all their proof of identity and nationality documents, thus making recourse to radical solutions more likely.
- Efforts are being pursued to rehabilitate the environment, which was badly damaged by the Iraqi invasion.
- Efforts to achieve greater progress on human development are being pursued in order to preserve the achievements scored by the State. In this area, Kuwait tops the Arab world, according to the UNDP Human Development Report.
- Efforts are being made to deal with the consequences of importing labour and the health, educational, developmental and security costs borne by the State.

## **VIII. Voluntary pledges**

Kuwait, believing as it does in the need to guarantee human rights, affirms its commitment to, and respect for human rights. It will continue to meet its obligations under the international human rights treaties which it has ratified. In this connection, we should like to make the following voluntary pledges.

- The State will establish a national body to deal with all human rights matters.
- A study will be carried out on the international treaties and instruments to which Kuwait has yet to accede. Preparations are being made for accession to the Convention on the Rights of Persons with Disabilities.



- Legal procedures have been instituted with a view to enacting a new law on private sector employment to replace the current legislation and to introduce a statutory minimum wage, which will be subject to regular review, and also to restructure the labour market in order to balance the freedom to change jobs with the protection of employers' interests.
- Efforts will be continued to find appropriate solutions for persons who are illegal residents and to grant Kuwaiti nationality to those entitled to it.
- Efforts will be continued to create legislation against human trafficking and the smuggling of migrants in line with the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
- A study will be conducted of a draft law on the welfare of persons with disabilities to guarantee these persons greater rights in respect of rehabilitation, training, employment, housing, health care, education, social welfare, etc. The State will do what it can to preserve the human dignity of these persons, integrate them into society and involve them in all areas of life as productive members of Kuwait society.
- Efforts will be made, in conjunction with the legislature and the executive authority, to create special legislation to harmonize the domestic laws on children's rights in keeping with the Convention on the Rights of the Child, the two Optional Protocols thereto and the other conventions which deal with the subject of children.
- Steps will be taken to create a children's court to settle family disputes.

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