



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the fourth periodic report of Kuwait\*

1. The Committee considered the fourth periodic report of Kuwait<sup>1</sup> at its 4048th and 4049th meetings,<sup>2</sup> held on 16 and 17 October 2023. At its 4067th meeting, held on 30 October 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Kuwait and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

(a) Adoption of Ministerial Decree No. 177 of 2021, on prohibiting discrimination in private-sector employment and sexual harassment in the workplace;

(b) Adoption of the protection against domestic violence act (No. 16 of 2020) and the establishment of a national committee on protection from domestic violence under Ministerial Decree No. 4 of 2023;

(c) Adoption of Decrees No. 2062 and No. 1902, in 2018, envisaging the creation of a standing national committee to prevent trafficking in persons and the smuggling of migrants;

(d) Issuance of Decree No. 261 of 2018, adopting a national strategy to prevent trafficking in persons and the smuggling of migrants;

(e) Issuance of the Constitutional Court ruling of 16 February 2022, regarding the unconstitutionality of article 198 of the Criminal Code, which criminalizes the "imitation of the opposite sex in any way".

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\* Adopted by the Committee at its 139th session (9 October–3 November 2023).

<sup>1</sup> [CCPR/C/KWT/4](#).

<sup>2</sup> See [CCPR/C/SR.4048](#) and [CCPR/C/SR.4049](#).

<sup>3</sup> [CCPR/C/KWT/RQ/4](#).

<sup>4</sup> [CCPR/C/KWT/Q/4](#).



## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

4. The Committee remains concerned that the State party maintains its interpretative declaration on articles 2 (1) and 3 of the Covenant, which the Committee has repeatedly found to be incompatible with the object and purpose of the Covenant. It continues to regret that the State party has not yet withdrawn its interpretative declaration on article 23 and the remaining part of its reservation regarding article 25 (b) of the Covenant. The Committee regrets the lack of information on the steps taken to consider withdrawing the interpretative declarations and reservation and continues to be concerned about the primacy of sharia law where it conflicts with provisions of the Covenant. The Committee regrets that the State party does not plan to ratify the first Optional Protocol to the Covenant (art. 2).

5. **In the light of the Committee's previous recommendations,<sup>5</sup> the State party should:**

(a) **Take concrete steps with the aim of withdrawing its interpretative declarations on articles 2 (1), 3 and 23 of the Covenant, and its reservation to article 25 (b), with a view to ensuring the full and effective application of the Covenant;**

(b) **Give full legal effect to the Covenant in its domestic legal order and ensure that domestic laws, including those based on sharia law, are interpreted and applied in ways compatible with its obligations under the Covenant;**

(c) **Consider acceding to the first Optional Protocol to the Covenant, which establishes an individual complaint mechanism.**

### National human rights institution

6. The Committee takes note of the activities carried out by the National Bureau for Human Rights, which included awareness-raising campaigns on human rights, visits to police stations and prisons, the issuance of recommendations and the referral, to the relevant authorities, of complaints that were received by the Bureau. While the State party indicates that the Bureau is an independent institution, the Committee notes that it is under the supervision of the Council of Ministers. The Committee regrets the lack of information regarding the intention of the State party to establish a national human rights institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

7. **The State party should establish an independent national human rights institution in accordance with the Paris Principles, as a matter of priority, and ensure that it has adequate financial and human resources.**

8. The Committee takes note that the standing committee on international human rights law and the National Bureau for Human Rights have held training courses and implemented programmes to raise awareness of the Covenant and international human rights law.

9. **The State party should increase its delivery of training programmes and implementation of awareness-raising campaigns relating to the Covenant and international human rights law, and their domestic applicability, among judges, prosecutors, lawyers, law enforcement officials, public officials and the general public.**

### Anti-corruption measures

10. The Committee notes the measures taken by the State party to expand, develop and update its legislative and procedural frameworks to combat corruption, including the establishment of the Anti-Corruption Authority. However, the Committee is concerned by reports that indicate that widespread corruption persists in the State party. In addition, the Committee regrets the lack of detailed information about the investigations that were carried out by the Anti-Corruption Authority and their outcomes (arts. 2 and 25).

<sup>5</sup> CCPR/C/KWT/CO/3, para. 9.

11. **The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all measures necessary:**

(a) **To promptly, independently and impartially investigate and prosecute all cases of corruption, including those related to public procurement, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;**

(b) **To promote good governance, transparency and accountability in public procurement;**

(c) **To carry out effective training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption.**

#### **Discrimination against Bidoon people**

12. The Committee remains concerned<sup>6</sup> about the discriminatory measures and practices against stateless Bidoon people (referred to as “illegal residents” by the State party) and about the discrimination they endure. The Committee is concerned by reports indicating that Bidoon people do not have access to nationality and identity documents, or face difficulties renewing them. The Committee is alarmed by allegations received about the falsification of documents, by the central system for the remedy of the situation of illegal residents, to arbitrarily change the legal status of stateless persons; cases of Bidoon people being classified under foreign nationalities when requesting identity papers; and Bidoon university students being required to register for identity documents that would force them to accept a false nationality. The Committee is concerned about reports concerning the arbitrary arrest of, online attacks against and ill-treatment of Bidoon activists and human rights defenders and on limitations on access to justice. The Committee is also concerned by reports of discrimination in access to health services, particularly during the coronavirus disease (COVID-19) pandemic, unstable and poorly remunerated employment and unequal access to socioeconomic support, which result from the precarious legal status of Bidoon people (arts. 2, 12, 24 and 26).

13. **The State party should provide full and effective protection against discrimination in all spheres to Bidoon and other stateless people residing in the State party. It should, in particular:**

(a) **Speed up the process of ensuring that no person becomes or remains stateless, by granting citizenship or by issuing identity documents to Bidoon and other stateless people, where appropriate; guarantee the right of every child to acquire a nationality; and develop effective mechanisms to address the situation of Bidoon and stateless persons in the State party;**

(b) **Refrain from requesting Bidoon people to accept another nationality; and ensure non-discriminatory access to justice, work, health, education and social services;**

(c) **Conduct a thorough, independent and impartial investigation into the alleged falsification of documents by the central system for the remedy of the situation of illegal residents, as well as into the human rights violations perpetrated against human rights defenders and activists working on the human rights of Bidoon people; prosecute perpetrators and punish them with appropriate sanctions, if they are convicted; and provide victims with effective remedies;**

(d) **Ensure that Bidoon people and activists working for their human rights can operate safely and exercise their freedom of expression and assembly without fear of being persecuted, intimidated or detained;**

(e) **Consider acceding to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness, and having the related obligations implemented through the State party’s domestic law after accession.**

<sup>6</sup> Ibid., para. 10.

### **Discrimination based on sexual orientation and gender identity**

14. The Committee is concerned about reports indicating that, despite the Constitutional Court ruling of 16 February 2022, in which the Court found article 198 of the Criminal Code, criminalizing “imitating the opposite sex”, to be unconstitutional, the State party continues to arrest persons impersonating women on social media. The Committee fears that such arrests would be arbitrary and based solely on the appearance of the person. In addition, the Committee is concerned that the State party has no plans to amend national legislation with a view to decriminalizing consensual same-sex relations between adults. The Committee regrets the lack of specific information about allegations that the Ministry of Commerce and Industry carried out a campaign against symbols and slogans that support lesbian, gay, bisexual and transgender persons (arts. 2, 9, 17, 20 and 26).

15. **In the light of the Committee’s previous recommendations,<sup>7</sup> the State party should ensure that all persons can, regardless of their real or perceived sexual orientation or gender identity, fully enjoy, in law and in practice, all the human rights enshrined in the Covenant. In particular, the State party should:**

- (a) **Consider decriminalizing consensual same-sex relations between adults;**
- (b) **Take steps to combat stereotypes about and negative attitudes towards persons on the basis of their real or perceived sexual orientation or gender identity;**
- (c) **Ensure that all acts of violence against persons owing to their real or perceived sexual orientation or gender identity are promptly and effectively investigated, that perpetrators are brought to justice and, if they are convicted, punished with appropriate sanctions, and that victims are provided with adequate remedies and effective access to legal, medical, financial and psychological assistance;**
- (d) **Adopt specific measures, including the provision of training and awareness-raising programmes for the police, members of the judiciary and prosecutors to prevent acts of discrimination and violence against lesbian, gay, bisexual and transgender persons, including arbitrary arrests, and any campaign against symbols and slogans that support lesbian, gay, bisexual and transgender persons.**

### **Hate speech**

16. The Committee is concerned about the increasing number of reports of hate speech and discrimination against migrant workers, other foreigners and vulnerable groups. While Decree-Law No. 19 of 2012 prohibits hate speech, the Committee is concerned about the significant increase in xenophobic rhetoric and discrimination during the COVID-19 pandemic; the large amount of hateful content on social media inciting to violence; and statements from public figures that promote discrimination (arts. 2, 19, 20 and 27).

17. **The State party should step up its efforts:**

- (a) **To prevent, publicly condemn and combat hate speech, intolerance, prejudice and discrimination against vulnerable groups, including migrant workers and other foreigners, by, inter alia, increasing training for public officials, law enforcement officials, prosecutors and members of the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity in the public and private sectors, including among social media companies, and the general public;**
- (b) **To ensure that all cases of hate crime and hate speech, including online hate speech, are systematically, effectively and promptly investigated, that perpetrators are held accountable, with penalties commensurate with the crime, and that victims have access to full reparation.**

<sup>7</sup> Ibid., para. 13.

### Gender equality

18. While noting that article 29 of the Constitution of the State party prohibits discrimination on the basis of gender, the Committee is concerned about exceptions to this principle, namely in the Personal Status Act (No. 51 of 1984), which provides for unequal rights in matters such as marriage, divorce, parental authority, inheritance and the value of testimony in courts. The Committee is concerned by the provisions of the Nationality Act (No. 15 of 1959) that stipulate that nationality can be transmitted to children only by Kuwaiti fathers, and not by Kuwaiti mothers married to a non-Kuwaiti man (arts. 2, 3 and 26).

**19. In line with the recommendations of the Committee on the Rights of the child,<sup>8</sup> the State party should undertake a comprehensive review of existing laws and practices to repeal or amend, in accordance with the Covenant, all provisions that discriminate on the basis of gender, including the Personal Status Act and the Nationality Act. It should also develop strategies to combat patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and in society at large.**

### Violence against women and children, including domestic violence

20. The Committee welcomes the legislative measures taken to combat violence against women and children, such as protection against domestic violence act (No. 16 of 2020, which establishes a national committee on protection from domestic violence, and Ministerial Decree No. 4 of 2023. It also welcomes the measures taken to provide protection and assistance, including through the community police departments established to receive complaints from victims of domestic violence. While Act No. 16 of 2020 criminalizes sexual violence committed by family members, the Committee is concerned that marital rape is not explicitly criminalized. The Committee welcomes the statistical data provided on cases of violence against women; however, it would have also welcomed additional information allowing an understanding of the reporting rates and other underlying structural problems (arts. 2, 3, 6, 7, 24 and 26).

**21. The State party should continue to strengthen its efforts to combat violence against women and girls, including domestic and sexual violence, by, inter alia:**

- (a) **Adopting legislation that explicitly criminalizes marital rape;**
- (b) **Encouraging the reporting of cases of violence against women and girls, including by informing women and girls of their rights and available protection, assistance and redress, in an accessible language;**
- (c) **Investigating promptly, effectively and thoroughly all cases of violence against women and girls, including marital rape, prosecuting perpetrators and, if the perpetrators are convicted, imposing commensurate penalties;**
- (d) **Providing law enforcement officials, members of the judiciary, prosecutors and other relevant stakeholders with training on how to detect, investigate and handle such cases in a gender-sensitive manner;**
- (e) **Ensuring that victims have adequate access to effective remedies and means of protection, including shelters and medical, psychosocial, legal and rehabilitative support services;**
- (f) **Collecting and publishing disaggregated data on violence against women.**

### Right to life

22. The Committee remains profoundly concerned about the death sentences and executions carried out in the State party, particularly since 2022, including five executions in July 2023. The Committee is deeply concerned that the number of executions has reportedly increased; that death penalty sentences are handed down for some crimes, such as drug-related offences, that do not involve intentional killing and thus do not qualify as “the most serious crimes”; and about reports it has received indicating the absence of fair trial

<sup>8</sup> [CRC/C/KWT/CO/3-6](#), para. 22.

guarantees for trials in which the accused risks being sentenced to the death penalty. The Committee regrets that the State party has not ratified the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (art. 6 and 14).

**23. In line with the Committee's general comment No. 36 (2018) on the right to life, the State party should take all measures necessary to ensure that the death penalty is imposed only for the most serious crimes, involving intentional killing. The State party should also:**

**(a) Give due consideration to establishing a moratorium on the death penalty with a view to abolishing it and consider acceding to the Second Optional Protocol to the Covenant;**

**(b) Ensure that the death penalty is never imposed in violation of the Covenant or fair-trial procedures, including full access to legal assistance and interpretation, and that it is never mandatory;**

**(c) Carry out appropriate awareness-raising measures to mobilize public opinion in support of the abolition of the death penalty;**

**(d) Collect and make available data on the number of death sentences imposed, on the number of executions carried out, on the type of offences for which death sentences are imposed and on the persons sentenced, disaggregated by, inter alia, gender, ethnicity and nationality.**

24. The Committee is deeply concerned by the high death rate among migrant workers who carry out dangerous work, particularly in construction sites. While it notes that Ministerial Decree No. 535 of 2015 prohibits and criminalizes making anyone work outdoors in the sun between 11 a.m. and 4 p.m. during the summer and that the implementation of this measure is being monitored, the Committee is concerned about reports indicating that migrant workers have been coerced to work in exposed places at temperatures reaching 50°C. The Committee is also concerned about the difficulties families face in repatriating the remains of deceased migrant workers, which can lead them to abandon the recovery of the remains.

**25. The State party should intensify its efforts to prevent deaths of migrant workers, including on construction sites, in particular by effectively enforcing, and continuously monitoring and updating, the measures adopted to protect the safety and health of workers. It should also:**

**(a) Strengthen and make accessible occupational safety training and awareness programmes, tailoring them to the migrant workers' languages and cultural backgrounds, and ensure that migrant workers have effective complaint and redress mechanisms and are aware of the relevant mechanisms;**

**(b) Investigate allegations of abuse, prosecute abusive employers and recruitment companies, and, if perpetrators are convicted, punish them with appropriate sanctions, and provide reparation to victims;**

**(c) Provide access to effective legal remedies for the protection of the rights of migrant workers, including domestic workers, and ensure that workers can access those remedies without fear of reprisal, detention or deportation;**

**(d) Consider providing financial and logistical support to the families of deceased migrant workers to enable them to repatriate the remains of their relatives if they wish.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

26. The Committee notes that, while the bill amending article 53 of Act No. 31 of 1970, if passed, would bring provisions of the Criminal Code into full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it remains concerned that the State party's legislation does not yet adequately ensure that acts covered by the internationally accepted definition of torture are fully

criminalized. The Committee remains deeply concerned by reports that indicate instances of torture, such as a report that a citizen of Kuwait was allegedly tortured in June 2022 and required treatment at an intensive care unit, and reports that Bidoon and transgender individuals have been ill-treated by security officials. The Committee takes note of the statistical data provided by the State party, but it would have welcomed additional information about the whole period under review and regarding the operational entity of perpetrators, the charges presented and the compensation and psychosocial support provided to victims (art. 7).

**27. The State party should urgently take the measures necessary to eradicate torture and ill-treatment, including, in particular, the following:**

(a) **Promptly enact amendments to the Criminal Code to ensure that all acts of torture, as contained in the internationally accepted human rights definition of torture, are prohibited and to stipulate sanctions that are commensurate with the gravity of such offences;**

(b) **Conduct prompt, thorough and impartial investigations into all allegations of torture and inhuman and degrading treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted, and, if they are convicted, punished with appropriate sanctions, and that victims receive adequate reparations;**

(c) **Strengthen its efforts to provide law enforcement officials, members of the judiciary, prosecutors and prison staff with effective training courses that integrate international standards, such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

#### **Liberty and security of person and treatment of persons deprived of their liberty**

28. The Committee is concerned that the Code of Criminal Procedure, as amended by Act No. 35 of 2016, appears to allow the detention of an individual for up to four days without a written pretrial detention order, and that the detention order can be challenged in court only after the first three weeks of the detention. The Committee appreciates that, in order to address the overcrowding in prisons, non-custodial alternative measures are being used and that the State party is committed to expediting the construction of the new prison announced in 2018. The Committee is, however, concerned by reports indicating harsh treatment of detainees, low quality infrastructure and air conditioning, unhygienic conditions and lack of access to adequate medical care and water, in particular in the Talha detention centre for deportations (arts. 9, 10 and 14).

**29. The Committee reiterates that the State party should promptly:**

(a) **Amend its legislation, in particular article 60 of Act No. 35 of 2016, to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours, in accordance with article 9 of the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person;**

(b) **Ensure that the conditions of detention are in compliance with relevant international human rights standards, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(c) **Step up measures to reduce overcrowding in prisons, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(d) **Intensify its efforts to improve the conditions of detention and ensure adequate access to health care for persons held in all places of deprivation of liberty;**

(e) **Expedite its efforts to expand the capacity of prison and detention facilities.**

### **Exploitation and abuse of migrant workers, including domestic workers**

30. The Committee welcomes several measures adopted by the State party to improve the human rights situation of migrant workers, including domestic workers, such as: (a) legislative initiatives, including the Domestic Workers Act (No. 68 of 2015) and Ministerial Decree No. 22 of 2022; (b) measures aimed at reducing the control of employers over workers (and therefore limiting the use of the *kafala* sponsorship system), such as the imposition of an obligation on employers to transfer wages to employee's bank accounts, the decision to allow workers to change jobs without the employer's consent under certain conditions, and the setting of a minimum wage; (c) efforts to investigate complaints of forced labour and ill-treatment and to bring perpetrators to justice; and (d) educational campaigns promoting awareness of the rights and obligations of domestic workers. However, and despite these measures, the Committee notes with concern reports of widespread abuse, exploitation and ill-treatment of, and discrimination against, domestic workers, including four cases since 2018 involving the murder of migrant domestic workers from the Philippines; reports of physical, sexual and psychological abuse; long working hours; and denial of annual paid leave. The Committee is concerned that these practices are enabled by the *kafala* sponsorship system and the existence of the offence of "absconding", which deters domestic workers from reporting abuse or leaving abusive employers. The Committee is also concerned by the lack of judicial remedies and complaint procedures, such as for migrant workers claiming delayed or owed wages; the limited access to health services; and the difficulties faced by victims in accessing shelters (arts. 2, 7, 8, 12 and 26).

#### **31. The State party should:**

(a) **Intensify its efforts to ensure the strict enforcement of legislation and regulations protecting migrant workers (including domestic workers) from the practice of passport retention by employers and other abuse; and increase the frequency of labour inspections;**

(b) **Repeal the *kafala* sponsorship system, replace it with residence permits for domestic workers and facilitate their ability to change employers without risk to or penalty for the worker, particularly in cases of an abusive employer; introduce background checks on employers; and ensure that domestic workers are provided with paid leave and receive their wages on time;**

(c) **Review, with a view to amending or repealing, the provisions on the crime of "absconding" to ensure that fear of being accused of that crime does not deter domestic workers from leaving abusive employers;**

(d) **Investigate allegations of abuse, prosecute abusive employers, sponsors and recruitment companies and, if they are convicted, impose adequate sanctions, and provide reparation to victims;**

(e) **Facilitate access to effective legal remedies, with interpretation services, for the protection of the rights of migrant workers (including domestic workers), ensure that workers can access those remedies without fear of reprisal, detention or deportation, and ensure access to shelters;**

(f) **Further facilitate the reporting of abuse and exploitation, including by ensuring access to multiple forms of reporting, and step up educational campaigns for migrant workers, in their own languages, about their rights and available remedies.**

### **Forced labour and trafficking in persons**

32. The Committee welcomes the measures adopted to combat trafficking in human persons, including the adoption of a national strategy to prevent trafficking in persons and the smuggling of migrants, in 2018, and of a national referral system for the prevention of trafficking in persons, in 2019. While the State party has provided some statistics on trafficking, the Committee is concerned that the information provided is limited, in particular regarding: the penalties imposed; the reparations or assistance received; the services and shelters available; and the voluntary return and integration of victims. While the Committee notes the efforts deployed to halt traffickers and illegal labour rings, and to monitor website and social media accounts that might be used to recruit domestic workers without a licence,



it is concerned by reports about the fraudulent sale of visas, which often leaves migrant workers vulnerable to exploitation in the informal employment sector, and about the use of websites and digital platforms to facilitate trafficking and forced labour of migrant domestic workers (arts. 7–9 and 24).

**33. The State party should further strengthen its efforts to prevent and combat trafficking in persons and forced labour, including through online media, and protect victims of trafficking. In particular, it should:**

(a) **Improve its system for collecting data on trafficking cases and forced labour in order to evaluate the scope of the phenomena and assess the efficiency of the measures adopted to combat them;**

(b) **Ensure that all cases of trafficking in persons and forced labour are thoroughly investigated, that perpetrators are brought to justice and adequately sentenced if found guilty, and that victims receive full reparation and means of protection, including access to shelters and to legal, medical and psychological services;**

(c) **Provide training to judges, prosecutors, law enforcement officials and border police, including on standards and procedures for the identification and referral of victims of trafficking and forced labour.**

#### **Administrative deportations**

34. The Committee is concerned about reports of a large number of deportations, based sometimes on minor offences or on unclear grounds. The Committee is also concerned that deportations are often carried out on the basis of administrative decisions subject to the discretion of the Minister of the Interior, with no judicial supervision or remedy available. In addition, the Committee is concerned by the duration of the detention period prior to deportation, which can be above the period established by law, which is a maximum of 30 days, and excessively long. In this regard, the Committee regrets that the information received by the State party was limited, including in particular with regard to: the number of persons deported since the previous review, the reasons for and the type of deportation (administrative or judicial), the length of detention before deportation and whether the deported person has been able to lodge an appeal before a judicial body (arts. 9 and 13).

**35. The State party should:**

(a) **Ensure that persons subject to a deportation order, including when it relates to administrative matters, have their case reviewed by an independent judicial appeals mechanism, and that the principle of non-refoulement is respected;**

(b) **Ensure: that detention is a measure of last resort, is used for the shortest period of time and is necessary and proportionate given the circumstances; that alternatives to detention are resorted to; that judicial remedies are available to review the lawfulness of the detention; and that there is effective and independent monitoring of deportation operations;**

(c) **Collect and make available disaggregated data on the number of deportations, the reasons and types, the use of alternative measures to detention, the length of detention before deportation and whether the deported persons have been able to lodge an appeal before a judicial body.**

#### **Access to justice, independence of the judiciary and right to a fair trial**

36. The Committee is concerned by information about instances of a lack of independence and impartiality of the judiciary and of prosecutors, and a lack of other fair trial guarantees, including in trials where the death penalty is applicable (art. 14).

**37. The State party should take all measures necessary to safeguard the full independence and impartiality of members of the judiciary, whether they are nationals of Kuwait or foreigners, and prosecutors, and guarantee that they are free to operate without any type of undue pressure or interference. In doing so, it should ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with the Covenant and relevant**

**international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

#### **Right to privacy**

38. The Committee is concerned about the provisions in Act No. 31 of 2008 that require marriage applicants to undergo a medical test to ensure that neither of the individuals has any physical or psychological condition that would constitute an impediment to the union (art. 17)

**39. The State party should amend or repeal Act No. 31 of 2008 to ensure that it fully complies with the Covenant, in particular article 17 thereof.**

#### **Freedom of conscience and religious belief**

40. The Committee is concerned about reports of discrimination against religious minorities, especially those belonging to non-monotheistic religions, such as Hindus, Sikhs, Druze, Bohra Muslims and Baha'is. In particular, the Committee remains concerned about: (a) restrictions on the granting of licences for the construction of places of worship; (b) the lack of accreditation for religious schools and the prohibition of organized religious education for faiths other than Islam in public high schools; and (c) the non-issuance of documents for recording a change in religion, unless the conversion is to Islam (even though apostasy is not prohibited). Finally, the Committee is concerned about the National Military Service Act (No. 20 of 2015), which establishes a mandatory military service, without providing the possibility for alternative service (arts. 2, 18 and 26).

**41. The State party should repeal or amend all legislation, policies and practices that discriminate on the basis of conscience and religion and ensure they are in full conformity with the Covenant, in particular article 18 thereof. It should also:**

(a) **Eliminate policies and practices that discriminate against religious minorities, including with respect to: regulating the construction of places of worship; the accreditation of religious schools; the possibility to organize religious education for faiths other than Islam in public high schools; and the issuance of documents to record a change in religion, including the conversion from Islam to other religions;**

(b) **Adopt legislation to recognize the right to conscientious objection to military service and allow conscientious objectors access to alternative civilian services of a non-discriminatory and non-punitive nature.**

#### **Freedom of expression**

42. The Committee is disturbed by reports about restrictive legislation on freedom of expression online, such as the Electronic Media Act (No. 8 of 2016) and the Cybercrime Act (No. 63 of 2015), including with regard to the active monitoring of Internet communications, the blocking of websites and the revocation of operating licences. The Committee is also concerned by the criminalization of blasphemy, defamation (including criticism of the Emir) and the legitimate expression of critical views, which can lead to disproportionate sanctions, such as fines of up to 200,000 dinars and seven years of imprisonment for publishing content deemed offensive to religious groups. The Committee is also concerned about the prosecution of bloggers and activists, noting reports of several cases of jail sentences ranging from 1 to 10 years (art. 19).

**43. The State party should take all the measures necessary to guarantee the full enjoyment by everyone of the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restrictions on the exercise of freedom of expression comply with the strict requirements of article 19 (3) of the Covenant. It should also:**

(a) **Revise and amend national legislation that unduly restricts freedom of expression and can be used to repress ideas expressed in opposition to the State party, including the Electronic Media Act, the Cybercrime Act, the National Unity Act, the National Security Act of 1970, and the Press and Publication Act of 2006, with a view to bringing them into conformity with the State party's obligations under the Covenant;**

(b) **Decriminalize blasphemy and defamation and other instances of criminalized expression, and resort to criminal law only for the most serious cases, bearing in mind that imprisonment is never an appropriate penalty for defamation and blasphemy, as set out in the Committee's general comment No. 34 (2011), and ensure that criminal laws are not used to silence dissenting voices;**

(c) **Refrain from prosecuting and imprisoning activists, bloggers and other dissenting voices as a means of deterring or discouraging them from freely expressing their opinions, review their detention with regard to its compatibility with the Covenant and immediately release all those detained contrary to the guarantees in the Covenant;**

(d) **Ensure that the monitoring of Internet communications does not violate the rights to freedom of expression and privacy set out in the Covenant.**

#### **Right of peaceful assembly**

44. The Committee is concerned that the Public Gatherings Act (No. 65 of 1979) requires prior authorization for assemblies in public spaces. It notes, however, that a Constitutional Court ruling dated 1 May 2006 declared 15 articles of the Act unconstitutional, including article 4, which requires that permission be obtained for public gatherings. The Committee is concerned that 70 Kuwaiti human rights defenders were sentenced to prison in 2017 for a spontaneous peaceful demonstration that had taken place in 2011, and that in 2019, 12 Bidoon-rights defenders were arrested for planning a peaceful protest. The Committee is also concerned that article 12 of the Public Gatherings Act prohibits non-citizens from demonstrating. It is further concerned by Ministerial Decision No. 33 of 2001, on the use of firearms to disperse a gathering or a demonstration of persons who plan to commit a crime or who may endanger public security (arts. 2 and 21).

45. **The State party should bring its legislation governing peaceful assembly, in particular the Public Gatherings Act and Ministerial Decision No. 33 of 2001, into full compliance with article 21 of the Covenant, as interpreted by the Committee in its general comment No. 37 (2020) on the right of peaceful assembly, and ensure that any restrictions imposed comply with the strict requirements contained therein. In particular, it should:**

(a) **Refrain from undue interference with the exercise of the right of peaceful assembly, in particular by: ensuring the equal right of non-citizens to exercise the right of peaceful assembly; repealing the requirement of prior authorization for public gatherings; refraining from prosecuting and imprisoning those exercising the right of peaceful assembly; and immediately releasing all those detained contrary to the provisions of article 21;**

(b) **Strengthen the training of law enforcement officials on the use of force based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Freedom of association**

46. The Committee is concerned by the lack of progress regarding the measures required to ensure that civil society organizations can operate free of undue government influence and without fear of reprisals or unlawful restrictions on their operations. The Committee is also concerned by the broad and vaguely worded criteria applied in assessing applications for the registration of civil society organizations and in making decisions on dissolutions. Finally, the Committee is concerned about the fact that non-citizens, including Bidoon people, are prevented from founding associations and cannot participate in their general assemblies (arts. 2 and 22).

47. **In the light of the Committee's previous concluding observations,<sup>9</sup> the State party should repeal or revise laws restricting the right to freedom of association to bring them into conformity with the Covenant. It should also:**

(a) **Clarify the vague, broad and open-ended definition of key terms in those laws, as well as the limitations on the enjoyment and exercise of the right to freedom of association based on nationality, and ensure that they are not used as tools to curtail freedom of association beyond the narrow restrictions permitted in article 22 (2) of the Covenant;**

(b) **Ensure that civil society organizations can operate free of undue government influence and without fear of reprisals or unlawful restrictions on their operations.**

#### **Participation in public affairs**

48. The Committee takes note of the efforts of the State party to increase the number of women in leadership positions, and of the legislative framework that establishes the equality of rights; however, it is concerned at the very limited participation of women in political life. The Committee notes that only one woman was elected in the Parliamentary election held in June 2023. Thus, the Committee is concerned about cultural and social barriers that in practice may exclude women from meaningfully participating in certain public affairs events, including unofficial tribal primaries and local gatherings, such as *diwaniyas*. The Committee is also concerned that persons who are naturalized citizens of Kuwait must wait 20 years to vote, to be elected as a member of Parliament or a municipality or to hold a ministerial office (arts. 2, 3, 25 and 26).

49. **The State party should ensure the full and effective enjoyment by women of the right to participate in public and political life, including by taking effective measures:**

(a) **To increase the representation of women in political spheres, including in decision-making positions;**

(b) **To overcome social and cultural barriers and eliminate gender stereotypes about the roles and responsibilities of women and men in the family and in society, including through awareness-raising campaigns portraying women as active participants in public and political life;**

(c) **To bring the electoral practices into full compliance with the Covenant, including article 25 thereof. It should also eliminate the disproportionate restrictions of naturalized Kuwaiti citizens with respect to the right to vote, to be elected and to take part in the conduct of public affairs.**

#### **D. Dissemination and follow-up**

50. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its fourth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

51. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 3 November 2026, information on the implementation of the recommendations made by the Committee in paragraphs 13 (discrimination against Bidoon people), 19 (gender equality) and 23 (death penalty) above.**

52. **In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its fifth periodic report.**

<sup>9</sup> CCPR/C/KWT/CO/3, para. 45.

**The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2031.**

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