HUMAN RIGHTS
In State of Kuwait
Fundamentals and Basis
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Fundamentals and Basis
IN THE NAME OF ALLAH
The Most Gracious
The Most Merciful
Imortal Words:

“Commitment to the Principles of human rights, as the linchpin of a free and dignified life, with the rights and freedoms they encompass, will provide stability for our homelands and equanimity for our peoples.”

His Highness Sheikh

Sabah Al-Ahmad Al-Jaber Al-Sabah

Amir of the State of Kuwait

God Save him and Protect him
His Highness Sheikh
Nawaf AL-Ahmad AL-Jaber - AL-Sabah
The Crown Prince
God save Him
His Highness Sheikh
Jaber Al-Mubarak Al-Hamad Al-Sabah
Prime Minister
God save him
His Excellency Sheikh
Sabah Khaled Al-Hamad Al-Sabah
Deputy Prime Minister and Minister of Foreign Affairs
God save Him
This book was prepared and printed as part of a development project sponsored by the Kuwaiti Ministry of Foreign Affairs, entitled: “The Promotion of the Role and the Efforts of the State of Kuwait in the Field of Human Rights”, committed as it is to the principles of human rights which are the foundation of freedom, justice and peace.

Chairman of the project task force

If the Arabic version differs from the English version, authenticity shall attach to the Arabic version.
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Statement by the Ministry of Foreign Affairs

As an affirmation of the respect by the State of Kuwait for, and its commitment to the questions of human rights on both the national and international levels, and as an expression of its genuine desire to forge ahead towards the propagation and promotion of these rights as linchpin for the prosperity and development of societies, the Ministry of Foreign Affairs has sponsored a promising development project designed to promote the role and efforts of the State of Kuwait in the field of human rights. Proceeding from our conviction that the Ministry of Foreign Affairs, through its diplomatic missions abroad, provides the ideal mechanism capable of conveying the true picture of the situation of human rights in the State of Kuwait, it was incumbent upon us to seek to develop the capacities of the members of such missions, through intensive training courses, in order to propagate and promote the principles of human rights, in addition to providing them with some of the most important skills relevant to endeavor.

This book, which covers the most important legal and constitutional basis relevant to human rights in the State of Kuwait, constitutes one of the links in our commitment to this endeavor, and so as to highlight, through it, all the actions taken regarding all these rights, while indicating the role of each governmental entity concerned with the question of human rights.

Finally, this book is published in the wake of the Seventh Conference of the Heads of Kuwaiti Diplomatic Missions Abroad, which was held under the lofty auspices of His Highness the Amir of the country, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah-God save him and protect him. His Highness, who stated, in his lofty opening address: “You are called upon to launch broad diplomatic and media initiatives to convey the brilliant image of your country, Kuwait, and highlight the solid national unity and democratic life, based on the Constitution, equity, and respect for human rights, which we enjoy, are proud of and adhere to.”

Taking these words as a beacon for us and for all the members of the missions of the State of Kuwait abroad, we present this book as an expression of our commitment to give effect to these words on the ground.

Khaled Suleiman Al-Jarallah
Undersecretary of the Ministry of Foreign Affairs
PREFACE

It is obvious to the observers of the question of human rights the extent of the great interest accorded by civilized nations thereto, especially during the past two decades. This has been the result of several global changes, the most significant of which have been the violations of human rights that people in some regions of the world are subjected to. This has given rise to universal concern over them, and hence the major challenge facing the world in combating forms of infringements against man and human rights on the one hand and the promotion and entrenchment of such rights on the other hand. Thus numerous ideas, plans and strategic plans have emerged in order to meet these two requirements.

It is within this holistic vision of the human person, that the interest of the State of Kuwait in human rights is situated, believing as it does in these rights and their impact on both the life of the individual and society. On this basis, it has included the question of human rights in its development plans, in accordance with Law no.9 of 2010 regarding the State Development Plan in all fields, including, naturally, the Ministry of Foreign Affairs, as an entity concerned with the follow-up, review and promotion of these rights, especially as regards international conventions, external relations, report drafting, preparation of specialized training courses, and others.

In the light of this, the Ministry of Foreign Affairs has set up a systematic plan which proceeds along two basic, parallel directions. The first direction aims to upgrade the competence of the staff of the Ministry by providing them with all kinds of knowledge (concepts-facts-themes-foundations) relevant to human rights, in addition to the method for the preparation of domestic and international reports, through the holding of domestic and external training courses, in accordance with a structured plan, with human rights as the main theme.

As for the second direction, it concerns the publications of monographs on human rights in the state of Kuwait, in cooperation with other ministries, governmental institutions and other entities, so that such monographs would be a basic reference for everything that is relevant to human rights in the State of Kuwait, and would highlight the magnitude of interest and development in this field so as to reflect all the basis and the relevant applications.

What we are presenting in this book entitled “Human Rights in the State of Kuwait: Foundations and Basis” is only the beginning of the development project sponsored by the State of Kuwait in the field of human rights, so that it would be a launching pad for other monographs and a preface to them. The dear reader will notice that the
book covers the most significant legal and constitutional articles relating to human rights through addressing them in a focused manner. The subsequent monographs will elaborate and expand on this, taking into account all the continuous developments and changes in the data and laws relevant to human rights.

Since human rights are interconnected in view of their integral nature, they have been presented in this book from the perspective of basic rights—“Life- Human dignity-Equality and non-discrimination-Political rights-Right to litigation-Fundamental freedoms, which include “belief-opinion and expression- residence and movement- attendance at meetings and right of association-marriage and formation of families-nationality-education.” Also, some qualitative rights were addressed, including “women- children-persons with special needs- illegal aliens-right to employment.” At the end of the book, the promotion of the culture of human rights will be reviewed.

The Task Force
INTRODUCTION

Human rights are by their very nature values and entitlements guaranteed and secured by all codes, laws and international conventions, in accordance with domestic and international frameworks. When we state that they are entitlements, this means that they are inherent and linked to man’s life. Thus they are mandatory for states; even their progress and development are contingent on the availability of such rights and their protection for everyone residing on their territories. Linking such rights to divine codes and laws serves to buttress them, render them axiomatic, and limit the chances of undermining them, violating them or compromising them.

When considering the reality of human rights in Kuwait, we find they have been realized to a great extent and are deeply rooted. This is due to the fact that such a reality was not born of the moment nor was it a new development in the life of the State of Kuwait, as its foundation is a universal, Islamic and Arab heritage that is at the roots of its history since its inception. It is also a principle and a conduct that it does not depart from, as it believes in its lofty contents and respects its value. This is manifested through the actual practice that is based on respect for the human person in all aspects of private and public life.

When the state of Kuwait formulated its constitution in 1962, it greatly heeded all human rights, drawing on its religion of Islam. Article ‘2’ of the Constitution stipulates “Islam is the State religion, and the Islamic Sharia’a is a major source of legislation.” It also provided that international declarations and covenants were among its most important frames of reference. In view of all of this we find the Kuwaiti Constitution, for the most part, is simply an application and implementation of these declarations and covenants on the ground in the field of human rights. This is manifested through the substance of the Articles of the Constitution, which can be illustrated as follows:

Fundamental Constituents of the Kuwait Society:

Section II of the Constitution covers those constituents under the following topics:

Article (7): Justice, Liberty and equality.
Article (8): Security, tranquility and equal opportunities.
Article (9): The family, motherhood and childhood.
Article (10): Protection of the young.
Article (11): Aid in situations of old age, sickness.
Article (13): Education.
Article (14): Letters and Scientific Research.
Article (16): Capital and work.
Article (17): Protection of public property.
Article (18): Private property.
Article (19): Prohibition of the confiscation of private property.
Article (20): The national economy and social justice.
Article (21): Preservation of natural resources.
Article (22): Social justice in the realm of work (Employees and employers).
Article (24): Social justice in the field of taxation.
Article (25): Shouldering by the State of the burdens resulting from natural disasters.
Article (26): National public offices.

Public Rights and Duties:
Section III of the Constitution covers the following topics:
Article (27): Nationality.
Article (29): Equality and human dignity.
Article (30): Personal liberty.
Article (31): Freedom of movement and residence.
Article (32): The prohibition of establishing a crime or penalty except by virtue of law.
Article (33): Penalty is personal.
Article (34): The presumption of innocence until the guilt is proven, and the prohibition of the infliction of physical or moral injury on the accused.
Article (36): Freedom of opinion and scientific research.
Article (38): Inviolability of the freedom of residence.
Article (39): Freedom and confidentiality of communication.
Article (40): Guaranteeing the right to education by the state.
Article (41): The right to work.
Article (42): The prohibition of forced labor.
Article (43): Freedom to form association and unions.
Article (44): The right of assembly.
Article (45): The right to address public authorities.
Article (46): Prohibition of the extradition of political refugees.

The above is a review of the general content of some articles of the Kuwaiti Constitution. These will be reviewed and discussed in detail in the context of addressing human rights in the State of Kuwait, according to each right and its scope. This is due to its concept of human rights as universal, natural rights, free from discrimination, fragmentation and selectivity, which means that none of these rights may be circumvented or neglected.
In addition to providing constitutional and legal protection for these rights, and giving them actual effect, we find that the State of Kuwait has sought to act in concert with the international community in this regard, through acceding to the international human rights conventions. It has effectively put those conventions into effect. It is no exaggeration to say that they are actually applied, although the Kuwaiti Constitution was promulgated in 1962, i.e. before these conventions, while taking into account some reservations on few conventions, in view of their incompatibility with the Islamic Sharia’a, or the sovereignty of the State and its social and cultural specificities. It is to be noted that these reservations do not alter the substance of those conventions or rob them of their essence, and that some of these reservations were subsequently withdrawn. This has rendered them part and parcel of the National Law once they were ratified. This is affirmed by Article 70 of the Constitution which provides that “The Amir concludes treaties by decree and transmits them immediately to the National Assembly with the appropriate statement. A treaty has the force of law once it has been signed, ratified and published in the official gazette.”

In the light of this significance, Kuwait has become party to numerous human rights and international humanitarian law conventions, as indicated in the following table:

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<tr>
<th>Sir</th>
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<th>Decree or Law</th>
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<td>Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and practices similar to Slavery</td>
<td>Geneva 1956</td>
<td>Decree</td>
<td>18/1/1963</td>
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<td></td>
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<td>5</td>
<td>Convention for the Suppression of the Trafficking in Persons and of the Exploitation or the Prostitution of others</td>
<td>21/3/1959</td>
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Since joining the International Labor organization in 1960, the State of Kuwait has ratified 19 conventions relevant to the basic rights of workers, most important among which are the prohibition of forced labor, discrimination in treatment in professional employment, prohibition of the employment of children below the age of work, and the elimination of the worst forms of their exploitation.
THE RIGHT TO LIFE

The right to life is deemed the basic foundation of all other human rights, as it is linked to the existence of man himself. In other words, its loss means the loss of all other rights. Therefore, it is, indisputably, a natural and inherent right. Hence its protection and its availability in all its dimensions is a responsibility that should be discharged through maintenance, protection, security, care, and the prohibition of aggression against human life.

As regards the right to life, it is noted that the State of Kuwait has endeavored vigorously to provide it all guarantees and fulfill all its requirements, without any breach or failure in any of its aspects, as seen through the following:

I. Health Care Insurance

Believing as it does in the importance of health care, the State of Kuwait has taken numerous measures that ensure man’s life and spare him such risks as disease, injury and others. Among such measures are the following:

Health care has been rendered a responsibility incumbent upon the State. Article (15) of the Constitution provides “The State shall care for public health, and the means of prevention and treatment of diseases and epidemics.” Thus the State of Kuwait provides for all aspects of health care, as a first step in securing the right to life, through the free health services it provides, which are available in numerous health care facilities which comprise 6 public hospitals, 99 primary health care centers, and 37 specialized medical centers, in addition to private hospitals and infirmaries. The budget of the Health Ministry amounts to 1,297 billion Kuwaiti Dinars for the fiscal year 2012, i.e. 6% of the State budget, and the per capita cost of health care amounts is 230 Kuwaiti Dinars per annum.

As a result of development of services, health indices in Kuwait have become remarkably high. The rate of immunization against measles and hepatitis has reached 99%, and the rate of TB detection 95%. Also, 2010 statistics have reflected a drop in the rate of mortality among the population, which has reached 1.5 deaths per 1000 people.

In order to avoid hereditary diseases and anything that could be detrimental to human health and constitution, Law no. 31 of 2008 was enacted, regarding pre-marital medical examination. Article 2 of the Law provides “A marriage contract may not be concluded or documented unless there is a health certificate stating that the marriage is safe from hereditary diseases.” Also, Law no. 189 of 2010 was enacted,
regarding multiple pregnancies, and that they be under medical supervision and care, so as to limit the abuse of catalyzing and stimulating drugs that may produce quadruplets or more.

Laws have been enacted prohibiting abortion in case of pregnancy except when the mother or the fetus is in danger or at risk. Article (174) of the Penal Code no. 16 of 1960 provides that “anyone performing an abortion on a woman or assisting her in abortion shall be sentenced to a prison term no more than 10 years.” The same law enhanced the penalty for medical professionals to a prison sentence of 15 years. Moreover, Article 176 of the same law provided that a woman who attempts to abort her own pregnancy would be sentenced to a prison term of no more than 5 years. All of these provide protection for the right to life under the penal code.

Also, law no. 25 of 1981 was enacted by decree regarding the practice of the profession of medicine and dentistry and ancillary professions, with a view to regulating the practice of this profession and confining it to those person licensed to do so. Thus Article 7 prohibits a doctor from withholding treatment from any patient unless his case is outside the scope of his specialty, or he has reasons and considerations that justify such withholding. As for emergency conditions, a doctor should tend the patient and not abdicate his professional duty irrespective of the circumstances, unless he is certain that there are others equipped with a better capacity and resources to perform the required care. Article 8 of the same law requires the doctor not to recuse himself from treating any patient unless he feels that such recusal is in the interest of the patient, and for reasons and considerations that he appreciates. In such a case, it is stipulated that the doctor ascertain the availability of the necessary medical care on the part of other doctors.

Patient protection is not confined to the Ministry of Health treatment facilities, but such protection and control are extended to private treatment facilities. A health license commission was established under Article 17 of the above mentioned law, with a mandate to examine license applications for the practice of medicine and dentistry and ancillary professions. Article 26 prohibits the opening of any clinic, establishment or subsidiary thereof for the practice of one of the professions ancillary to the profession of medicine, except after the approval of the license commission, and commissions were set up by the Ministry to inspect and oversee these institutions to guarantee quality medical care.

Moreover, the State of Kuwait is linked to a global, Arab and Gulf system in entrenching patient rights on the basis of international standards, the Gulf Health Ministers
Council, the Arab Health Ministers Council, and WHO and its periodic bulletins and directions regarding the safety, rights and protection of patients, which are subject to periodic review.

II-Legal Guarantees

The State of Kuwait’s commitment to the right to life is not confined to the aspects of health and environmental care, but extended to legal guarantees as a means to protect it. This was effected through such deterrent laws as penal law no. 16 of 1960, which includes numerous articles criminalizing and condemning anyone who commits an aggression on the right to life such as, for example, the following articles:

Premeditated Murder:

Murder is prohibited in all divine codes and positive laws. This is also observed by the laws of the State of Kuwait in the penal code, where article 149 provides that “anyone who kills a person deliberately shall be punished by execution or life imprisonment, to which may be added a penalty of no more than one thousand, one hundred and twenty five dinars.”

Manslaughter:

If killing occurs without premeditation, as a result of error of neglect, Article 154 indicates the prescribed penalty as it provides that “Whoever kills a person by mistake or unwittingly causes him to be killed, whether that resulted from recklessness, excess, neglect, lack of attention or failure to observe regulations, shall be punished by imprisonment for a term of no more than three years and by a penalty not exceeding two hundred and twenty five dinars, or by either of these two penalties.”

Beating leading to death:

If beating or injury leads to death without there being the intent to kill, Article 152 indicates the penalty as it provides that “Whoever injures or deliberately assaults another or gives him narcotic drugs, without intending to kill him, but that actually led to death, shall be punished by imprisonment for a term not exceeding ten years, to which may be added a penalty not exceeding ten thousand dinars.”

Suicide:

Suicide is absolutely and explicitly prohibited in Sharia’a and in law, as it constitutes
an aggression against the soul of man, with which he is endowed by God Almighty. Since the person committing suicide has taken his own life, we find that there is criminalization and penalty for whoever has helped him or instigated his act. Article 158 of the Penal Code provides that: “Whoever has instigated a person to commit suicide, helped him or entered into an agreement with him, and then that person commits suicide, shall be punished with imprisonment for a term not exceeding three years and with a penalty not exceeding two hundred and twenty five dinars or with either of these.”

Infanticide:

Protection under the penal code extends to infants, as infanticide is deemed a prohibited act regardless of the cause or motive. Article 159 of the Penal Code provided that: “Any woman who, with premeditation, kills her infant immediately upon birth, to spare herself shame, shall be punished with imprisonment for a term not exceeding five years and with a penalty not exceeding three hundred, seventy five dinars, or with either of these.”
THE RIGHT TO HUMAN DIGNITY

Human dignity is the essence of human rights, and one of its illuminating landmarks. Its preservation and protection from all kinds of abuse, such as torture, kidnapping, degradation and other such humiliating and degrading forms of treatment, reflect an evolution and advancement in the fields of human rights. Even every state has become committed to such rights, because it is among natural rights. Upon reviewing the reality of the right to human dignity in Kuwait, one finds that the guarantees and the complete and integral protection of this right are clearly effected. Article 29 of the Constitution provides that; “All people are equal in human dignity....” Also, the State provides numerous guarantees through the following aspects:

Security, Peace, Safety and the Renunciation of War:

Maintaining and assuring security is one of the most important, fundamental questions accorded great importance by the State of Kuwait, proceeding from its conviction of the role of security in preserving the components of society. Article 8 of the Constitution provides that: “The State safeguards the pillars of Society and ensures security, tranquility, and equal opportunities for citizens.” Kuwait is also a peace-loving and peace advocating State, and has never been an aggressor. When it drafted its Constitution in 1962, it included an explicit article in this regard. Article 157 of the Constitution provided that: ‘Peace is the aim of the State...” And in conformity with the UN Charter, the Kuwaiti Constitution prohibits offensive war, through Article 68, which provides; “The Amir declares defensive war by decree. Offensive war is prohibited.” As for Martial Law or State of Emergency which may be dictated sometimes by public circumstances, it is conditioned by the subjection of the State and its security to an act of aggression or serious turbulence. Kuwait has never applied these provisions except in two critical stages, during the 1967 war and after the liberation of Kuwait from the Iraqi invasion in 1990.

Prohibition of Bondage, Slavery and Human Trafficking:

Kidnapping constitutes a confiscation of man’s dignity and status, in addition to involving constraining man’s freedom. Hence Article 178 of the Penal Code no. 16 of 1960 provides that: “Whoever kidnaps a person against his will, by forcing him to be transferred from his habitual place of residence to another place where he detains him, shall be punished by imprisonment for a term no less than three years and no more than ten years. If the kidnapping was effected by threat or deception, the imprisonment term shall be no less than seven years and shall not exceed fifteen years. If the victim was an imbecile or insane, or was less than eighteen years of age, the penalty shall be life imprisonment. In all cases, a pen-
alty of no less than five thousand dinars and no more than fifteen thousand dinars shall be added to the imprisonment term.”

Also, Article 179 of Penal Law no. 16 of 1960 provides for a more severe penalty in case harm has been deliberately inflicted on the kidnapping victim, as it stipulates: “Whoever kidnaps a person who is insane or an imbecile or less than eighteen years of age with force, threat or deception shall be punished by imprisonment for a term of no less than seven years and no longer than fifteen years, and if the kidnapping is intended to kill the victim, cause him harm, force him into prostitution or embezzle anything from him or from another, the penalty shall be life imprisonment.”

Article 18 of Penal Law no. 16 of 1960 criminalizes participation in a kidnapping, as it provides that: “Whoever hides a kidnapped person, knowing he is kidnapped, shall be punished as he himself has kidnapped that person. If he has knowledge of the intent of the kidnapping or of the circumstances surrounding the kidnapping, the penalty shall be the same as that of the kidnapper with such an intent and under these circumstances.”

Human Trafficking:

Human trafficking is one of the forms of violating human dignity, and may even be the most serious and the grossest, because it involves extremely brutal and heinous offenses based on establishing ownership of the human body. Therefore the State of Kuwait has criminalized this offense through the following articles of the law:

Article 185 of Penal Law no. 16 of 1960 provides that: “Whoever brings into or takes out of Kuwait a person with the intent of disposing of him as a slave, and whoever buys, offers up for sale or gifts a person as a slave, shall be punished by imprisonment for a term not to exceed five years and with a penalty of no more than three hundred and seventy five dinars or with either of these.”

In the realm of combating prostitution and trafficking networks, Article 203 of the Penal Law no. 16 of 1960 provides that: “Any person who founds or manages an establishment for vice or prostitution, or assists in any way in the founding or management of such, shall be punished by imprisonment for a term not to exceed seven years and with penalty of seven thousand dinars.”

Also, Decree Law no. 17 of 1959, regarding the residence of aliens, included provisions that guarantee combating human trafficking. Article 8bis provides that whoever shelters an alien or receives him in his home must notify the Immigration De-
partment of this. Article 12bis prohibits the sheltering, housing or employment of an alien illegally residing the country, and Article 24 provides for penalties for whoever contravenes this. Furthermore, Article 24bis provides for penalty for: “anyone facilitating for an alien the obtaining of a visa to visit the country or residence therein in return for receiving money or benefit or promise of such.”

In this regard, and as fulfillment of the obligations of the State of Kuwait, Law no. 36 of 1968, pertaining to the accession of the State of Kuwait to the Convention for the Prevention of Trafficking in Persons and Their Exploitation in Prostitution, was enacted, as was Law no. 5 of 2006 ratifying the UN Convention Against Transnational Organized Crime and its Protocols, including the Protocol on the Prevention and Suppression of Trafficking in Persons, Especially Women and Children, supplementing that convention.

Responding to its international obligations, the State of Kuwait enacted this year, 2013, Law no. 91 of 2013, regarding trafficking in persons and the smuggling of immigrants.

In Article 1, the Law addresses the definitions of the terms used therein, including the definition of transnational organized crime, the definition of trafficking in persons, and the recruitment of persons, their use, transport, accommodation or reception by coercion, whether through the use or threat of force or other forms of kidnapping, fraud, deception, coercion, abuse of authority or influence, exploitation of vulnerability or granting or obtaining financial sums or in-kind benefits, with a view to exploitation, including the exploitation of others in prostitution or any form of sexual exploitation, forced labor, indenture, enslavement, or practices akin to slavery or extracting parts of the body. It also addresses the definition of the smuggling of immigrants, and the definition of illegal entry.

In Article 2, the Law provides for the imposition of penalties that extend to capital punishment for those who traffic in persons.

In Article 3, the Law provides for the imposition of penalties that can include imprisonment for a term not exceeding five years, and fine of no less than thousand dinars and no more than twenty thousand dinars, on perpetrators of the crime of immigrant smuggling.

Article 4 addresses the case of hiding the accused or concealing the proceeds of either the crime of trafficking in persons or smuggling of immigrants. While article 5 of the Law provided for the seizure of transferable assets, vehicles and seized items that have been used or could have been used in perpetrating the crime of trafficking in persons or the crime of immigrant smuggling.
Article 6 of the Law provides for the penalty of the legal representative and the actual manager of the legal person, if the crime of trafficking in persons or immigrant smuggling has been committed on behalf of the legal person, without prejudicing the personal criminal responsibility of the perpetrator of the crime.

Article 7 of the Law provides for the imprisonment for no more than three years and a fine of no less than one thousand dinars and no more than three thousand dinars for anyone who knows of a plot to perpetrate the crime of trafficking in persons or the crime of immigrant smuggling without notifying the competent authorities of that.

Article 8 of the Law provides for the imposition of penalty on a perpetrator of the offense of assaulting an officer of the law. And Article 9 of the Law criminalizes the use of or threat of force or bribery to prompt a person to give false testimony or false information.

While Article 10 of the Law provides for exempting from penalty whichever offender notifies the competent authorities of his knowledge of the crime before the initiation of the crime. Article 10 of the Law provides for the exclusive competence of the public prosecutor for the investigation of the crimes stipulated in the Law, their disposition and prosecution.

Article 12 of the Law grants the public prosecutor of the competent authority the right to refer the victim to medical bodies or social welfare institutions or one of the shelters designated by the State for this purpose.

Article 13 of the Law affirms that a death sentence may not be substituted by life imprisonment, nor may penalty be withheld for any of the crimes provided for this law.

**Confinement and Torture:**

Confinement of persons and torturing them is a flagrant aggression against their dignity and belittling of their human worth. This has prompted the State of Kuwait to clearly prohibit all such practices in its legal system. There can be no confinement except under the law, and torture is prohibited, and cannot absolutely be practiced. Some articles in the Constitutions or some laws have indicated this prohibition as seen through the following:

Article 31 of the Constitution provides that: “No person shall be arrested, detained, searched, or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be
restricted, except in accordance with the provisions of the law. And no person shall be subjected to torture or degrading treatment.” Another article was added to provide constitutional protection for individuals through Article 34 which provides that: “An accused person is presumed innocent until proved guilty in a legal trial at which the necessary guarantees for the exercise of the right of defense are secured. The infliction of physical or moral injury on an accused person is prohibited.”

Article 184 of the Penal Law no. 16 of 1960 provides that: “Whoever arrests, detains or confines a person in situations other than those provided for in the law, or without heeding the procedures prescribed by the law, shall be punished by imprisonment for a term not to exceed three years and by a penalty of no more than two hundred and twenty five dinars or with either penalty. If such offenses have been accompanied by physical torture or threat of death, the penalty by imprisonment shall be for a term not exceeding seven years, to which may be added a penalty of no more than five hundred and twenty five dinars.”

Moreover, Law no. 31 of 1970 was enacted regarding the amendment to Law no. 16 of 1960. It included amendments which focus on public employees and law enforcement officials. The following articles were among those amended:

Article 52: “Any public official or employee who, personally, or by proxy, tortures an accused person, a witness or an expert to force him to confess to a crime, make statements or provide information in regard of which, shall be punished by imprisonment for a term not to exceed five years and by a fine of no more than five hundred dinars or either of these. If such torture has been associated with an offense punishable under the law by a more severe penalty, he shall be sentenced to the penalty prescribed for that offense, and the penalty shall be that prescribed for pre-meditated murder if such torture has resulted in death.”

Article 56: “Any public official or employee and any person entrusted with a public service who deals harshly with people relying on his position, so as to compromise their honor or cause them physical harm, shall be punished by imprisonment for a term not to exceed three years and by a fine of no more than two hundred and twenty five dinars or by either of these.”

Respect for Privacy:

Human dignity is contingent on respect for privacy to a great extent, as infringing it represents a blatant violation of man and his dignity. In view of the importance of privacy, the Kuwaiti Constitution established it as one of its tenets, as can be seen in several articles, including Article 30, which provides that “**Personal liberty shall**
be guaranteed”. and in Article 38: “Places of residence shall be inviolable. They may not be entered without the permission of their occupants, except in the circumstances and manner specified by law,” and also in Article 39: “Freedom of communication by post, telegraph and telephone and the secrecy thereof is guaranteed; accordingly, censorship of communications and disclosure of their contents are not permitted except in the circumstances and manner specified by law.”

Also, the Criminal Trial and Procedure Law no. 17 of 1960, included numerous articles the address the aspect of privacy, as seen in the following:

Article 78: “Persons, their places of residence and their communications are inviolable, and a person’s inviolability protects his body, his clothes and the effects he has on him; and the inviolability of the place of residence includes any place which is walled off or surrounded with any barrier, used, or equipped for use, as a shelter. The inviolability of communications bans access to communications by mail, telegraph of telephone during their transfer or transmission from one person to another.”

Article 79: “Items that enjoy inviolability may not be inspected without the consent of the person concerned, except in the situations specified by the law and on terms it stipulates.”

Article 81: “Inspecting a person shall be done by searching his body, his clothing or his effects for items or things relevant to the crime or required to investigate it....”

Article 82: “Inspecting women shall be conducted in all circumstances by a woman assigned to do so with the knowledge of the investigator, and shall be witnessed by women.”

Article 83: “The inspection of places of residence shall be conducted by entering them and searching them for an item or clue that may be useful or necessary for the investigation; the person inspecting the house may search for the items required for seizure in all parts of the residence, its annexes and its contents.”

Article 87: “Communications shall be inspected by seizing them and examining them with the means appropriate to their contents. The investigator may not delegate others to examine postal or telegraphic written communications; he shall issue an order to the postal service or to a police officer to seize the writ-
ten communication and deliver it to him as is without opening it, or to examine its contents. The investigator may enlist the help of the investigation reporter, a police officer or a translator in sorting the seized communications, provided that all of this be done in his presence and under his supervision. As for telephone conversations, the investigator may mandate one of the staff of the telephone department or a police officer to listen to them and record them to report their contents to him. The order must include an accurate, clear definition of the phone call or calls to be recorded, so that the duration of the monitoring or the listening shall not be longer than what is required by the investigation”.

On the other hand, the legislations accorded respect to the right of patients to privacy. Article 6 of Law by decree no. 25 of 1981 relating to the practice of the professions of medicine, dentistry and the ancillary professions provided that the doctor must not disclose a private confidence that he has become aware of professionally, whether such confidence has been revealed to him by the patient who entrusted him with it or he has heard it, except by order of the court to serve the interest of justice. However, disclosure may be permitted if it meets the following requirements:

1- If it is to the benefit of the husband or the wife, and the disclosure shall be made to them personally.
2- If it is intended to prevent the commission of a crime, in which case the disclosure shall be confined to the competent official authorities.
3- If it is intended to report a contagious disease designated by the Ministry of Health.
4- If the source of the confidence has consented to the disclosure to any other party that he designates.

As regards observing the rights of the sick, especially those infected with AIDS, a decree was issued in Law no. 62 of 1992 regarding prevention of AIDS, and provided for numerous rights of the person infected with Aids. Article of the Law by decree provides that no person may be tested for AIDS except after his consent in writing, and authorized the Ministry of Health to conduct the test on any person strongly suspected of having contracted the AIDS virus. Article 7 of the same Decree Law provides for the need to maintain the confidentiality of information relating to those infected with AIDS. Also Article 9 of the same decree provides that if the person infected with AIDS works for a public or private party, and it has been proven that he is no longer capable of working, the Ministry of Health, at the request of the person or the employer, shall notify that party that he is unfit to work without indicating the reasons.
THE RIGHT TO EQUALITY AND NON-DISCRIMINATION

Equality among people is one of the basic pillars of human rights, as it is an intrinsic inalienable right. Once discrimination occurs it implies a compromising of these rights and a belittling of them and of their positive effect on society. This emphasizes the need not to discriminate among people on the basis of color, race, religion, gender, or any other differences. Equality before the law is embodied in rights and duties and equality before the judiciary, and also in equality of employment opportunities and use of public utilities, as every individual shall have the right to enjoy them within the limits of the law. Later in this book, there will be an expanded presentation of equality in all rights and fundamental freedoms since it is a main foundation of such rights and freedoms.

Proceeding from the value of equality and non-discrimination, the State of Kuwait has accorded non-discrimination great importance and established it as one of the basic components of social life. Article 29 of the Constitution provides that: “All people are equal in human dignity and in public rights and duties before the law, without distinction as to race, origin, language, or religion.”

FUNDAMENTAL FREEDOMS

Freedom has great significance in the life of a human being. His conduct is generally linked to the extent of freedom he enjoys, whether in belief, thought, opinion, or other forms of freedom. This means that its scope is broad and diverse, and, and at the same time, integrated. When man is robbed of freedom, the defect is reflected in one of the tenets of his rights and it is even considered a basic benchmark for measuring the development of states. In the light of this major importance of freedom in all its forms, the State of Kuwait has included it in its Constitution, and buttressed it with laws. This can be seen in the following

Freedom of belief:
Article 35 of the Constitution provides that” Freedom of belief is absolute. The State protects the freedom of practicing religion in accordance with established customs, provided it does not conflict with public policy or morals.” Reading this article makes it clear that the Kuwaiti Constitution guarantees and insures freedom of belief, whether for the person concerned or by rejecting his coercion into embracing another belief. For example, Non-Muslim students enrolled in public or private schools are not required to study Islamic education, and they have the absolute right
to attend its classes and its exams or to refrain from doing so, and in return for that they are given merit points.

**Freedom of Opinion and Expression:**
Freedom of opinion and expression is guaranteed under the Constitution, Article 36 of which provides that "Freedom of opinion and scientific research is guaranteed under the Constitution, Article 36 of which provides that." Freedom of opinion and scientific research is guaranteed. Every person has the right to express and propagate his opinion verbally, in writing, or otherwise, in accordance with the conditions and procedures specified by the law. In order to guarantee this right, Article 147 of the Penal Code provides that “There shall be no crime if the action of the accused has not exceeded the limit of honest criticism, in good faith, of a judicial verdict, whether the criticism relates to the establishment of facts or to the manner in which the law has been applied to them.”

Also, Law no. 9 of 2001 regarding the abuse of phone communication equipment, provides that it is not permissible to monitor means of communication except with the permission of a judicial organ, to wit public prosecution. Moreover, Law no. 6 of 2006, regarding printed matter and publication, guarantees the right to freedom of expression, and the regulation of all print media, consistently with the law on freedom of opinion and expression.

If a person is entitled to the exercise of freedom of opinion and expression, then he has the right to express his opinion in any medium he deems appropriate, whether, orally, in writing, in the mass media, or any other medium. Hence, the Kuwaiti Constitution promotes the freedom of writing, printing and publishing, as Article 37 provides “Freedom of the press, printing and publishing is guaranteed in accordance with the conditions and manner specified by law.”

**Liberty of Domicile, Liberty of Movement, and Liberty to Choose Place of Residence:**
Article 31 of the Constitution provides that “No person shall be arrested, detained, searched, or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the provisions of the law.”

**Attendance at Public Meetings and Freedom of Association:**
Article 44 of the Constitution provides that “Individuals have the right of private assembly without permission or prior notification, and the police may not attend such private meetings. And public meetings, demonstrations, and gatherings are permitted in accordance with the conditions and manner specified by law, provided that their purpose and means are peaceful and not contrary to
morals.”
Also, welfare associations which, in 2013, number 87 associations, are considered as important civil entities, in view of the professional, artistic, social, cultural and educational effects they have in the life of society, through the programs and activities they oversee or participate in. They also operate in parallel to the labor unions that promote the interests of most of the workers in the public, civil or oil sectors of the State, and which number 65 labor unions.

On the basis of the above, the State encourages the participation of associations in all gatherings and meetings held inside the State or abroad. The magnitude of the assistance and subsidies set aside for associations until 2011 amounted to 1,058,000 Kuwaiti dinars.

Civil society organizations also play their part in this social partnership, in accordance with Law no. 24 of 1962, regarding clubs and welfare associations, as the State believes in their importance in defining human rights and educating society. These associations have an independent legal personality, and various objectives, and can be categorized as follows:

- Professional associations.
- Associations that cater to women.
- Associations that cater to persons with special needs.
- Philanthropic associations.
- Cultural and social associations.
- Associations that promote the arts.

The magnitude of the State support for these associations may amount to more than 1,088,000 Kuwaiti dinars, which includes annual support during their participation in all external activities, whether regional or international.

In addition to the above-mentioned organizations, there are organizations dedicated to philanthropy, and include philanthropic centers and philanthropic associations. There were 10 associations and 78 centers until 2011.

Marriage and Forming a Family:
Article 9 of the Constitution provides that “The family is the corner-stone of Society. It is founded on religion, morality, and patriotism. Law shall preserve the integrity of the family, strengthen its ties, and protect under its support motherhood and childhood.” This highlights the commitment of the State of Kuwait to the raising of the young and protecting them through strengthening the bonds of the Kuwaiti family.
**POLITICAL RIGHTS**

The Constitution and Kuwaiti laws protect the political rights of individuals, and envelop them with a layer of legal and constitutional safeguards, and ensured their exercise in full. These include the right of individuals to form associations and unions (Article 43 of the Constitution), the individuals’ right of assembly without permission or prior notification, the right of individuals to hold public meetings, demonstrations and gatherings (Article 44 of the Constitution), the right of every individual to address the public authorities in writing over his signature (Article 45 of the Constitution), and the right of all citizens, men and women, to political participation to choose the representatives of the Nation (Articles 80, 82 of the Constitution. The laws have affirmed that, including law no. 35 of 1962 regarding the election of the members of the National Assembly, as it has ensured the right of participation for all, voters or candidates. It provides for conducting the electoral process under full judicial supervision in all phases. Needless to say, Kuwaiti elections, since the nineteen sixties and until the present day, have set an example in integrity for the entire region.

**THE RIGHT TO LITIGATION**

Justice is a major human value which has a great effect in the life of society. It is also one of the means of achieving security and safety for the State, and can be attained through several means, foremost and most prominent among which is the right of litigation. Once that right is established, justice clearly prevails, which has allowed man to enjoy his life without fear for his life or rights.

In the State of Kuwait litigation has safeguards, which have made it accessible to all those who live in its territory, citizens and residents. One of the first established facts in this regard is the recognition of the legal personality of the individual in all phases of his formation. Article 155 of the Penal Code no. 16 of 1960 provides that “The newborn is deemed a person who can be killed once he comes out alive from his mother’s womb, whether he is breathing or not, whether his blood circulation is independent or not, and whether his umbilical cord has been severed or not.”

Having recognized the legal personality of the individual, the Kuwaiti Constitution emphasizes the right of litigation in Article 166, which provides that “The right of recourse to the Courts is guaranteed to all people. The law prescribes the procedures and manner necessary for the exercise of this right.” This view applies to the laws that anteceded the promulgation of the Constitution, and which have given the individual guarantees that achieve justice for him free from oppression and arbitrariness. This can be seen in the following:
The Presumption of Innocence:
Article 34 of the Kuwaiti Constitution provides that “An accused person is presumed innocent until proved guilty in a legal trial at which the necessary guarantees for the exercise of the right of defense are secured. The infliction of Physical or moral harm on an accused person is prohibited.”

Defense Guarantees (Fair Trial):
Law no. 17 of 1960 on criminal trials and procedures includes many provisions relevant to defense guarantees and the process of fair trials, including:

Article 75: “The accused and the plaintiff are entitled to attend at all preliminary investigation procedures, and each may be accompanied by counsel…”

Article 120 “The accused in a crime is entitled to designate counsel to defend him, and the court shall assign lawyers to assume this function if the accused fails to do so. The accused in a misdemeanor and other adversaries have the right to designate someone to attend with him.”

Article 121: “The accused himself shall be present at all trial procedures.”

Article 122: “If the accused fails to attend himself or through a representative under circumstances where this is permissible, the court shall ascertain that he has made the correct declaration at the appropriate time.”

Article 154: “The accused shall appear or be brought if he is under arrest or jailed without restraints, and the court may have him removed from the session if it deems that necessary for maintaining order in the session or the confidentiality of the investigation. The accused or other adversaries may file an objection to the composition of the court or to the trial procedures in formal sense before speaking on the substance, and the court shall correct or order corrected any formal error in the indictment or any other procedure in the complaint if it can be corrected, upon the request of one of the adversaries or on its own.”

Article 155: “The Court shall address the charge to the accused by reading it and explaining it to him, and then he shall be asked whether he is guilty or not, while drawing his attention that he fact that he is not required to speak or answer, and that his statements may be used against him.”

Article 156: “If the accused confesses his guilt at any time, the Court shall hear his statements in detail and discuss them with him...”
Article 159: “If the Court discovers that the statements or the confessions of the accused were made as a result of torture or under duress, it shall consider them null and without any evidentiary value.”

Prohibition of Prolonged Confinement:
Among the safeguards employed in cases of investigation non-confinement for prolonged periods without a legal basis, as some articles in Law no. 17 of 1960 regarding criminal trials and procedure provide for this safeguard as in the following example:

Article 60: “If the police officers have arrested the accused in previous cases or he has been delivered to them under arrest with the knowledge of one of them, they shall hand him over to the investigating magistrate. And the detainee may not, under any circumstance, remain under arrest for more than forty eight hours without a written order from the magistrate placing him in custody.”

Article 69: “It is deemed that the interest of the investigation dictate the placement of the accused in custody to prevent him from escaping or influencing the course of the investigation, the magistrate may place him in custody for a period no longer than ten days as of the date of his arrest. A prisoner in custody may complain about the decision to imprison him before the president of the court competent to extend the imprisonment. The President of the Court shall decide on the complaint within forty eight hours of its filing. In case the complaint is rejected, the decision shall be justified. The accused must be brought before the President of the Court before the end of his prison term, to consider the extension of the imprisonment order. The President of the Court shall order an extension of the imprisonment for a period no longer than ten days, whenever he is requested to do so, provided that the custody period does not, under all circumstances, exceed forty days as of the date of arrest of the accused. The imprisonment order shall not be issued before hearing his statement.”

Article 72: “The Magistrate may, at any time, order the release of the imprisoned accused once the discovers that this imprisonment is no longer justified, and that his release shall not harm the investigation, and that there is no risk of his escape or disappearance.”

No Forced Confession and Self-Incrimination:
Forcing an individual to confess and testify against himself as a result of torture, fear, or threat disrupts the scales of justice and misleads the judiciary. Hence the State of Kuwait has been keen on preventing the occurrence of such infringements. There-
fore Article 158 of the Criminal Procedures Law (17) of 1960 provides that “The accused may not be made to take an oath, forced or induced to answer or make certain statements by any means. The silence of the accused or his refusal to answer a question shall not be interpreted as admission of something, and he may not be held liable for that. He may not be punished for false testimony in relation to statements he makes in defending himself, but the Court may draw whatever conclusions it deems appropriate from the failure of the accused to answer or from his providing incorrect answers.”

**Trial Procedures:**

Law no. 17 of 1960 regarding criminal trials and procedures has addressed some trial procedures which ensure the following guarantees for the accused:

**The Accused is Tried in Person:**
Article 121 has provided that “The accused shall attend in person all trial procedures, but may opt for the attendance of his lawyer, only if the punishment for the crime is imprisonment less than a year or a fine, unless the Court orders him to be present in person. The Court may opt for the presence of the attorney and exempt the accused from attendance if the offence is a misdemeanor...”

**Providing an Interpreter for Non-Speakers of Arabic:**
Article 170 provided that “If the accused or one of the witnesses is not versant in Arabic, the Court shall enlist the help of an interpreter to help the accused understand the statements by the witnesses and proceedings in the session. The same rules that apply to experts shall apply to interpreters, and experts and interpreters shall take an oath that they shall perform their functions faithfully and truthfully. If it is proven that one of them has perjured himself, his punishments will be that of the false witness.”

**Public and Impartial Trial:**
Article 176 provides that: “The President of the Court shall pronounce the verdict at a public meeting, and shall do that by reading it out, and the judges who participated in the verdict shall be in attendance.”

**Cross-Examining the Witnesses by the Accused or by the Defense:**
Article 163 of the same law for public criminal trials: “The accused or other adversaries to request at any time to hear such witnesses as he chooses, and to request a specific investigation action. The Court shall grant this request if it deems it to serve the interest of the investigation. It may deny the request, if it
finds that it purpose is to stall, malicious or to mislead, or that granting it serves no useful purpose.”

The Right to Litigation and Reparation in Case of Innocence:
Article 116 provides that: “accused may request the Court to decide a civil compensation for him for the damage incurred as a result of his having been accused maliciously or on the basis of recklessness and vacuity on the part of the informer or the victim. Such a request shall be made in an official declaration or by making it in the session. The Court may act upon it in the same verdict as in the original criminal proceedings, and it may also, if it finds that it requires special investigations that will delay the judgment in the criminal case, defer the decision on it to a another session. The Criminal Court may decide compensation for the accused by the person convicted of making a false testimony or making a false report, on the request of the accused or without it, and this should accompany the criminal verdict.”

Humanitarian Treatment of Prisoners:
In case a final enforceable verdict is issued against the prisoner, and he is remanded to prison, the law provides a series of guarantees against the degradation of his dignity and which provide him with all the necessary, required care, as numerous articles in Law no. 26 of 1962 regarding the regulation of prisons provide for the following:

- Article 67: “The food that is served to the prisoners shall contain the nutritional value to maintain health and strength, and shall be varied and well-prepared.”

- Article 69: “The clothing chosen for the prisoner shall be appropriate to health and the climate, and the clothing of each category of prisoners shall be distinct from the clothing of the other categories as stipulated in the regulations.”

- Article 72: “Each prison hall have a health unit headed by a doctor who shall be responsible for taking measures to maintain the health of the prisoners and protect them from epidemics.”

- Article 78: “If the doctor sees the need to stop any punishment in the interest of maintaining the physical or mental health of the prisoner, he shall advise the prison Warden in writing of such, and the doctor shall decide the special care he feels required for the prisoner.”

- Article 83: “If a prisoner dies, the doctor shall submit a detailed report containing the kind of disease and the date on which it was reported to him, to-
gether with any other remarks. The Prison Warden shall forward this report to the competent authorities, while notifying the family of the prisoner to come to receive the corpse. If they fail to show up on time, he may be buried in a public cemetery."

- Article 85: “Each prison shall have one or more chaplains, to make the prisoners drawn to virtue, and urge them to perform their religious duties. It shall also have one or more social scientist or psychologist, as indicated in the regulations.”

Separation of Juveniles and Adults:
The State of Kuwait accords special care to juveniles below the age of 18, as the Department of Juvenile Welfare, which was established in 1964, and which is part of the Ministry of Labor and Social Affairs, is dedicated to the provision of preventive and remedial care to this age group. It prepares their families to pay attention to their conduct and bring it in line with the values and customs prevailing in society, so that they will be upstanding members of their society. In case a juvenile is convicted in a court of law, he is placed in a special prison for juveniles away from adults, where the Department of Juvenile Protection, of the Ministry of the Interior, which was established in 1983, manages their affairs.

**THE RIGHT TO NATIONALITY**

Nationality is an important document of citizenship, and has a sovereign nature which entails several rights and duties. That is it is viewed as a sovereign domain of the State, and laws and procedures are developed to regulate it. In view of this importance, the Kuwaiti Constitution has explicitly provided for it. Article 27 provides that: “Kuwaiti nationality is defined by law. No deprivation or withdrawal of nationality may be effected except within the limits prescribed by law.”

When the Kuwaiti Nationality Law no.15 was promulgated in 1959, the aim was to define the criteria for granting the nationality, and it qualified them with the following conditions:

- Article 2: “Any person born in, or outside Kuwait, whose father is a Kuwaiti national shall be a Kuwaiti national himself.”

- Article 3: “Kuwaiti nationality is acquired by any person whose parents are unknown. A foundling is deemed to have been born in Kuwait unless the contrary is proved.”
Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or his kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.

Article 4 also adds: “Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person of full age satisfying the following conditions:

- That he has lawfully resided in Kuwait for at least 20 consecutive years or for at least 15 consecutive years if he is an Arab belonging to an Arab country. The requirement of consecutive residence shall not be affected if the applicant leaves Kuwait on official business. If he leaves for a reason other than that of official business, but retains the intention of returning, the period spent abroad shall be deducted from the total period of his residence in Kuwait.
- That he has lawful means of earning his living, is of good character and has not been convicted of an honor related crime or of an honesty-related crime.
- That he has knowledge of the Arabic Language.
- That he possesses qualifications or renders services needed in Kuwait.
- That he be an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least 5 years has passed since he embraced Islam before the grant of naturalization. Nationality thus acquired is ipso facto lost and the Decree of naturalization rendered void ad initio if the naturalized person expressly renounces Islam or if he behaves in such a manner as clearly indicates his intention to abandon Islam. In any such case, the nationality of any dependent of the apostate who had acquired it upon the naturalization of the apostate is also rendered void.

In addition to the above articles, other instances have been cited in which the Kuwaiti nationality is granted, such as any person who has rendered valuable services to Kuwait Article 5(1), any person born to a Kuwaiti mother, who has maintained his residence in Kuwait until reaching the age of majority, Article 5(2), and any person who has resided in Kuwait since before 1965, Article 5(3). Also, ancestral residence shall be deemed complimentary to the period of residence of descendants, provided that the descendant was born and is residing in Kuwait. Articles and laws promulgated subsequently have covered some cases entitled to apply for Kuwaiti nationality.
As for the deprivation of Kuwaiti nationality, it can only be effected according to the law, as Article 27(2) of the Constitution provides that “No deprivation or withdrawal of the nationality may be effected except within the limits prescribed by law.” Also, the Nationality Law no.15 of 1959 defines some of the instances in which the nationality may be withdrawn, and these include, inter alia, the following:

Article 11: “A Kuwaiti national shall lose his Kuwaiti nationality if he becomes voluntarily naturalized according to the law of another State. His wife shall not lose her Kuwaiti nationality unless she acquires his nationality. His children, being minor, shall also lose their Kuwaiti nationality if they acquire their father’s new nationality under the law relevant thereto. Such children shall reacquire their Kuwaiti nationality upon informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so.”

Article 11bis: “A foreigner who may acquire Kuwaiti nationality by virtue of the provisions of any of Articles 4, 5, 7 or 8 of this law shall renounce any other nationality he may have within three months following the date of his naturalization, and shall provide evidence of his having done so to the Ministry of the Interior. In the event of his failure to do so, naturalization shall ipso facto be revoked and deemed void ad initio. Kuwaiti nationality shall be revoked by Decree upon the recommendation of the Minister of Interior. Kuwaiti nationality which may have been acquired by any dependent of any such person shall also be revoked.”

Also, Article 13 restated some of the cases in which the nationality may be withdrawn, such as: Where naturalization has been acquired by virtue of fraud or on the basis of a false declaration, where within 15 years of the grant of naturalization, a person is convicted of any honor related crime or honesty-related crime, where a person is dismissed from public office, or if required by the supreme interest of the state. Moreover, Article 14 provides that “nationality may be withdrawn in other cases such as: where a person has entered the military service of a foreign State or has worked for a foreign State which is at war with Kuwait. In such cases, based on justice and the fact that offense is personal, only the person concerned may be deprived of his nationality.”

Article 15 allows for the restoration of the Kuwaiti nationality to a person from whom it was withdrawn or who was deprived of it if the condition for such restoration are met. Also, Article 16 provides that “the acquisition, withdrawal, deprivation or re-acquisition of Kuwaiti nationality shall be of no retrospective effect, unless provision to the contrary is expressly made.”
THE RIGHT TO EDUCATION

International Covenants and Conventions have elaborated on the right to education and explained it through underscoring its main pillars, most important among which are compulsory elementary education, free education, universalizing and diversifying secondary education, affording opportunities to pursue higher education, and the freedom of the guardians to choose schools for their children. In this context, the State of Kuwait has accorded education great importance, thus rendering the provisions of those covenants and conventions fully embodied in the national plans.

This can be illustrated as follows:

In 1936, education became the responsibility of the state, which assumed responsibility for it through a council known as the Education Council. In 1953, the Council focused on setting general objectives for education, including elimination of illiteracy, promoting democracy, interest in manual labor, development of creativity and innovation, while expanding the scope of education, and stressing that it is co-educational.

Here emphasis must be placed on the following advanced dimensions in relation to that period:
1. The right to education included both males and females.
2. Combating illiteracy.
3. Implanting such positive values as democracy, and other concepts.

After the independence of Kuwait in 1961, certain articles relevant to education were included in the Constitution. These articles included Article 10; “The State cares for the young…” Article 13: “Education is a fundamental requisite for the progress of society, assured and promoted by the State,” and Article 40: “Education is a right for Kuwaitis, guaranteed by the State….” In 1965, the Compulsory Education Law, one of the earliest and most significant in the region, was promulgated. It provides for:

Article 1: “Education is compulsory for all Kuwaiti children, male and female.”
Article 12: “Education shall be compulsory from the elementary up to the middle school.”
Article 10: “Provided for penalties imposed on the guardian whose child is not enrolled in school.”
In 2003, a ministerial decision modified the educational grades, so that education became compulsory for 9 years.

The State of Kuwait provides free education in all stages, from kindergarten up to the university level. The 1965 Decree was followed by numerous Decrees, including the 1979 decree, which specified the terms of reference of the Ministry of Education, and the 1987 Decree, Article 2 of which provides that: “Education is a right for all Kuwaitis guaranteed by the State” and Article 4 of which provides that “The education of Kuwaitis in Government schools shall be free.”

Education in Kuwait has developed quantitatively and qualitatively; the number of students has reached 617,049, the number of teachers 73,160, and the number of schools 1432 schools. These figures include the following educational stages: Public education, private education, adult education, literacy, special education and religious institutes, for the school year 2011-2012.

As for as developing curricula, Kuwait has begun to adopt international curricula that include the English language, sciences, and math, in addition to developing the content of the curricula by teaching the concepts of democracy, human rights, peace, respect for the opinions of others, environment, life skills and others.

The State of Kuwait has also sought to provide education for all categories in society, to effect the objectives of universal education. In addition to the above regarding public education, efforts have covered the following categories:

**Adult Education and Literacy:**

In 1958, two adult education centers were opened in which 350 students enrolled. In the following year the number increased to 4343 students. In 1966, a ministerial decision assigned supervision of adult education to the Ministry of Education instead of the Ministry of Social Affairs and Labor. And centers continued to open all over Kuwait. Since the Nineteen Sixties, literacy courses began on a wider scale; they included 1967 students from the Police, 1974 students from the Army, 1974 taxi drivers, and 1974 workers from the brick factory.

In 1981, a Law on the elimination of illiteracy was promulgated. The law stipulates that the elimination of illiteracy is a national responsibility, and obligates all Kuwaitis under forty, which is the ceiling for the obligation, to study. The State of Kuwait has succeeded in eliminating illiteracy, so that the percentage of illiteracy among Kuwait-
is in 2012 was 2.5%. Illiteracy is concentrated among females above sixty and males who have reached sixty. The number of centers is 94 and the number of students in literacy courses, adult education and evening religious instruction is 27,900 students.

**Integrating Persons with Special needs in Public Education:**

The integration of persons with special needs in public education is intended to sensitize them to their human value so that they will not feel isolated. The integration took the following form:

- In 1995, steps were initiated to integrate persons with special needs into public education through partial integration by establishing special classes for them in regular schools, and by complete integration through integrating them at the rate of 5 students in every class beside 15 regular students.

- In 1997, a ministerial decision provided for the opening of special classes for Down syndrome children in the kinder garden stage, which amounted to 13 classes in 2008. And in 2001, a decision was issued providing for the opening of such classes in the elementary stage. Such classed amounted to 66 classes for males and females. And in 1966, special classes were opened for slow learners in the elementary and middle stages. In 2008, the number of students reached 59 students, and 209 students in the middle school stage.

**Special Education:**

The State of Kuwait has cared for special categories that suffer from sight, hearing or motor disabilities. The first school for special categories was opened in 1955. Following is the number of schools and students according to 2011-2012 statistics:

- Al-Rajaa School (Movement) 6 schools with 513 students; Al-Noor School (Sight) 4 schools with 108 students; Al-Amal School (Speech and Hearing) 3 schools with 151 students; intellectual education (Mental) 2 schools with 321 students; intellectual education and vocational training (Mental and Hearing) 2 schools with 503 students; workshops (Mental and Hearing) 2 schools; Al-Wafaa School (Down Syndrome) 6 schools with 57 students; Autism, one school with five students; Rawdat Al-Ata’a (Mental-Hearing-Sight) one school with 15 students.

**Private Education:**

In addition to public education, the State of Kuwait has allowed the establishment of private schools, and did not prohibit citizens from enrolling in them, be they Arab or foreign. There are schools that adopt the following systems: The American System-
the French System- the Indian System- the Pakistani System- the Philippine system-
the Iranian System- the Canadian System-the Armenian System-the bi-lingual sys-
tem. Some of the students in these schools are nationals of those states and others
are Kuwaiti citizens, who account for 26% of the students in private education. The
schools number 87 and the students 225432 according to the 2011-2012 statistics.

Diversification of Secondary Education:
The State of Kuwait has sought to diversify secondary education on more than one
track, although the trend towards diversification actually began since the mid twen-
tieth century. Steps began with the Industrial College in 1962, and the Business Col-
lege in1963, in addition to technical education for girls. This system was maintained
till 1975, when it was discontinued, and was replaced with the system of the com-
prehensive syllabus for all types of education. This system was introduced in 1978; it
is based on educational experience, and it prepares the student for life by teaching
academic courses and technical and vocational specializations.

Responding to changes and to meet the needs of the increasing number of students,
the Ministry began to apply two systems of secondary education: an academic sys-
tem, and a technical, vocational system. The academic system was introduced in
2006 and work is afoot to apply the technical, vocational system.

Higher Education:
In 1966, the Kuwait University was inaugurated, and it has managed with its schools
(Law- Letters-Sciences-Petroleum Engineering- Ancillary Medicine-Education-
Sharia’a-Administration Science-Social Sciences- The Girls College-The Medical Sci-
ence Center-Medicine-School of Graduate Studies) to graduate large numbers of
students. The number of graduates in the school year 2011 was 4284. Also, the State
of Kuwait has allowed the opening of private universities according to certain condi-
tions. They now number six universities and their graduates numbered 2382 for the
school year 2011-2012.
WOMEN’S RIGHTS

Women’s rights are protected in Kuwait in accordance with the Islamic Sharia ‘a and the provisions of the Constitution. Thus they are safeguarded in a manner that is substantive and established and can neither be sidestepped or overlooked. On the other hand, the principle of equality is an intrinsic principle in the Islamic Sharia ‘a, and is stipulated in the Kuwaiti Constitution of 1962, and in the Universal Declaration of Human Rights and the international human rights conventions.

In the light of the above, it can be concluded that women in Kuwait enjoy their rights in full, which can be illustrated in the following aspects:

Labor Laws:

The right to work is guaranteed in the Constitution, in Article 41, which provides that “Every Kuwaiti has the right to work and to choose the type of his work. ‘Every Kuwaiti’ here includes both sexes, men and women. Regarding work in the public sector, the Civil Service Law regulates the work, and defines its conditions and levels and everything related to it.

As for work in the private sector, it is regulated by Labor Law no. 6 of 2010 relating to labor in the private sector. This law includes the fundamental legal principles that would provide the minimum of welfare and protection for working women, as provided for in International and Arab Labor Conventions, including:

- Article 1(3) of the Law, which establishes gender equality in defining the worker as “Any male or female person who performs a menial or mental work for an employer, and under the employer’s management and supervision, against a remuneration.”

- Article 19 of the Law defines a juvenile as any male or female who is past fourteen years of age, but is not older than eighteen.

- Article 22 of the Law prohibits the employment of women at night, unless in private treatment homes or in establishments in respect of which a resolution by the Ministry of Social Affairs and Labor shall be issued.

- Article 23 provides that: “It shall be prohibited to employ any woman in works that are hazardous, arduous or harmful to health.”
- Article 24 provides that: “A working woman shall be entitled to a paid maternity leave of 70 days, not be included in her other leaves, provided that she gives birth within this period, and the employer may upon the end of the maternity leave, grant a working woman, upon her request, an unpaid leave not to exceed four months for baby care. The employer may not terminate the service of a female worker while she is on that leave, or because of absence from work on account of a sickness which is medically certified to be the result of pregnancy or giving birth.”

- Article 25: “The working woman shall be allowed a two hour break for feeding her baby during her working hours in accordance with such conditions as shall be set forth in the Ministry’s decision. The employer shall establish nurseries for children under four years of age at work places where the number of women workers exceeds 50 or where the number of workers exceeds 200.”

- Article 26: “A working woman shall be entitled to remuneration equal to that of a man, if she performs the same job.” Equality is a principle clearly provided for in the Law of Employment in the Private Sector, and as affirmed in the definition of the worker in this Law.”

- Article 52: “A worker shall be entitled to a full end-of-service benefits as provided for in the previous article, in the following cases:

a- If the employer terminates the contract;
b- If the duration of the contract expired without being renewed.
c- If the female worker terminates the contract as a result of her marriage within a year after the date of marriage.

- Article 77: “In the event of a first and second degree relative’s death, the worker shall be entitled to a three-day fully paid leave. The Moslem working woman, whose husband has died shall be entitled to fully paid iddat leave for four months and ten days the date of death. During this leave, the working woman shall not be entitled to work for another employer. The conditions of granting this leave shall be organized by a decision of the Minister.”

Public Assistance:
Law no. 12 on social assistance comprised numerous articles providing for public assistance, including:

- Article 2: “The provisions of this law shall apply to the Kuwaiti family and indi-
- Article 3: “As an exception to the provisions of the previous Article, the Minister may decide, upon a recommendation of the Committee, to disburse social assistance to certain categories in the following situations:

a) The Kuwaiti family subjected to compelling circumstances that require assistance.

b) The Kuwaiti woman married to a non-Kuwaiti, who experiences compelling circumstances that require assistance in cases other than those cited in the previous article.”

- Article 6 of the same law, in paragraphs 1&2: “Assistance shall be due as of the date of the issuance of the Committee’s decision, and shall be disbursed as of the second month after the issuance of the decision. The assistance may be disbursed to the parent, guardian, custodian or agent or custodian by virtue of a judicial decision, or the oldest member of the beneficiary family, if it is found out that he is not competent to dispose of the assistance, provided that it is done in accordance to the regulations.”

- Article 12: “The change resulting from the death of the head of the household or its supporter shall be an exception from that, and the disbursement of the scheduled assistance for six months, after which it shall be modified according to the situation of the family.”

- Article 17: “Relief assistance shall be disbursed to families and individuals facing private and public catastrophes.”

- Article 18: “The Council of Ministers may decide, upon the recommendation of the Minister, to appropriate any bonuses or subsidies for Kuwaiti families and individuals facing certain burdens or to serve social purposes, except for what is provided for in the law, in accordance with the terms and conditions it sets.”

Also, Decree no. 23 of 2012 on the entitlement, estimate and appropriating public assistance to categories deserving of assistance, which is embodied in Article 1 as follows:

- The widow: any woman whose husband died, and has not remarried.
• The divorcee: every woman who has ended her Sharia’a idda.
• The orphan: fatherless or of an unknown father from a Kuwaiti mother, even if his mother has remarried, or of unknown parentage, and has not in the social welfare homes.
• It also covers other categories, including the elderly, the sick, the students, the married students, the released prisoner, the financially insolvent, the unmarried women, women married to non-Kuwaitis, and the married Kuwaiti women who have no established source of income, and who are over 55.

Social Security:
Law no. 61 on social security was enacted in 1976, and was amended in 1977-1980, and law no. 61 was enacted in 2001, and addresses women directly in some of its provisions as covered by social security, the recipient of a pension, or the beneficiary of a portion of an insured pension, as spouse, mother, sister or daughter of deceased insured or the recipient of the pension. This can be seen in the following:

Article 2 of the above-mentioned law provided for the application of its provisions on Kuwaitis, male and female, who work for an employer, and provided that insuring them is mandatory, so that women can be aware of and acquainted with the provisions of this law.

Article 11 of the Law addresses the manner of establishing a fund for insuring employees in the public sector, the private sector and the oil sector against old age, sickness, and death.

Therefore the amendments of the Law in Article 1 provided for the replacement of paras. 8 and 5 of Article 17 with two new texts, each which defines an age below which pension does not become due for women in the situations defined in paragraph 5, and the same applies to the insured who performs harmful, arduous, or hazardous jobs specified in paragraph 8. That age was set at forty five, or five years less than the retirement age set for the insured in general.

And in order to ease for women the situations specified in paragraph 5, and for the insured who performs harmful, arduous, or hazardous jobs in paragraph 8, Article 2 of the Law provides that in case service is concluded before the attainment of the age indicated in the two paragraphs by no more than five years, the pension, rather than the retirement settlement, may be disbursed.

Article 17 identifies the segments entitled to retirement pension at the end of service in the following situations:
1. Abolition of the job, and dismissal, other than through the disciplinary route, death or total incapacity.
2. Exhaustion of sick leave, and unfitness for service.
3. Health reasons that may put one’s life at risk.
4. Attainment of the legally prescribed age.

Also, the married woman for reasons other than those specified in the previous paragraphs, when her participation in this insurance fifteen years. In such cases, her pension shall not be subject to the decrease stipulated on Article 20 of the above-mentioned Law. In this paragraph relating to women employees, the Law allows the married women who is less than forty years old, the right to apply for retirement, if she fulfills the condition of participation in insurance for fifteen years at least.

The Sixth Chapter of the Law addresses the conditions that must be present in each of: the husband- the widows- the children- the parents- the siblings- the son’s children.

Also, Articles 64-73 indicate the general rules for the entitlement of these categories to a portion of the pension. The husband is entitled to a portion of his insured deceased wife’s pension, if he is unable to work; so is the son if he is less than 26 years old. Also, the unmarried daughter is entitled to a portion of the pension, which is discontinued on her marriage, and is restored to her if she is divorced for the first time or is widowed.

The children, if their father dies, before or after receiving pension, shall be entitled to a portion of their father’s entitlement.

Each of the unmarried daughter, the divorced daughter, the widow, the sister, the divorced mother or the widowed mother shall be entitled to her share after the death of the insured, as of the date of death, without prejudice to the rights of the remaining entitled persons, according to Articles 68-70-72-73 of the same Law.

It should be noted here that there is full, comprehensive protection for an insured woman entitled to pension, and as a wife entitled to this pension though her deceased husband, as a mother, sister or daughter of the deceased, as indicated earlier.

**The Nationality Law:**
It has already been indicated that granting the nationality is a question regulated by the law in accordance with Article 27 of the Constitution. Moreover, granting the na-
tionality is decided by Law no. 15 of 1995 on nationality, which has been amended in order to broaden the scope of granting the nationality, especially as regards women. The following amendments have been introduced into it:

Article 3 which provides:

“The sons acquire the nationality of the Kuwaiti mother in the following cases:
A. In case it is not possible to know the father of his nationality.
B. In case the father is known, but the kinship of the sons to him has not been legally established.
C. In case the father is known, and the kinship of the sons to him has been established, but his nationality is unknown or he is stateless.”

In these above-mentioned cases, the sons acquire the nationality through the mother, as Article 5 of the Nationality Law provides that:
Nationality may be granted to “any person born to a Kuwaiti mother and who has maintained his residence in Kuwait until his majority, and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach the age of majority.”

Article 7 of the Nationality Law: “The [foreign] wife of a foreigner who has acquired Kuwaiti nationality shall not ipso facto be considered to be a Kuwaiti national unless she declared her wish to be considered within a year following the date of her husband’s naturalization. His children, being minor shall themselves be considered to be Kuwaiti nationals. They shall have the right to decide whether to retain their nationality of origin within a year of their attaining the age of majority.”

Article 8 of the same rule grants “a foreign woman who marries a Kuwaiti shall be granted Kuwaiti nationality provided that she declares her wish to acquire Kuwaiti nationality, and that the marriage shall have lasted five years from the date of her declaration.”

In the Field of the Commerce and the Economy:

Men and Women are equal in the economic field and in her acquisition of the capacity of a merchant. She has the right to:
The right to family entitlements, and the declaration of the financial system of the marriage. The declaration shall be effected in the commercial register, and the right to obtain loans and mortgages.
This equality in the economic field between men and women is affirmed by the provisions of Article 16 of the Kuwaiti Constitution which stipulates: “Property, capital and work are fundamental constituents of the social structure of the State and of the national wealth. All of them are individual rights with a social function as regulated by law.”

Also, articles in the Commercial Law no. 68 of 1980 indicated the right of women in this aspect in some articles, including:

Article 13: “Whoever works under his own name in commercial transactions, while possessing the required eligibility, and takes these transactions as a profession, shall be a merchant.”

Article 18: “Every Kuwaiti who has reached twenty one years of age, and regarding whom there is no legal commerce.” Here the characterization ‘merchant’ is used to designate both men and women.”

Article 21: “The eligibility of women to practice commerce shall be regulated by the law of the State the nationality of which they bear.”

The Law has also regulated family entitlements in the following two articles:

Article 624: “Neither Spouse may demand from the estate of the other spouse the contributions decided by his/her spouse for him/her during the marriage, whether among the living or added posthumously. Also, the creditors may not demand from either spouse the contributions he/she set for his/her husband during the marriage.”

Article 625: “Either spouse may, regardless of the financial system used in the marriage, recover from the other’s estate his/her movable assets and real estate if he proves his ownership of such. Such funds shall remain encumbered with the rights which he/she has acquired against others legally.”

A Kuwaiti woman enjoys an independent financial personality in accordance with the Islamic Sharia’a, the civil law and legal eligibility when she attains her majority. She shall have the right to dispose of her funds in whatever manner, and enter into contracts, and the right of ownership. This is provided for in Civil Law no. 67 of 1980 as follows:

Article 4 provides that: “Provisions relevant to eligibility apply to all persons addressed by these provisions.”
Article 84 provides: “Every person is eligible for entering into contracts unless the law declares him ineligible or qualifies his eligibility.”

In the Field of Civil Status:

The Civil Status Law no. 51/1984 is viewed as the law most pertinent to women, and derives from the precepts of the Islamic Sharia’a. In the Civil Status Law, women have the right to choose a spouse, and the marriage cannot be entered into except with their consent. After the conclusion of the marriage contract, women shall have the following rights vis-à-vis their spouses:

1. The right to the dowry specified in the marriage contract.
2. A furnished residence.
3. Marital expenses (Food, clothing, housing).

The expenses shall be estimated on the basis of the spouse’s financial circumstances. In case of harm, women have the right to seek divorce and separation, and the right to have recourse to courts, if their co-habitation becomes impossible for the following reasons:

1. Maltreatment and spousal violence
2. Refusal to support them.
3. Absence for more than a year without a valid excuse, and harm caused by his absence.
4. In case the spouse is imprisoned, a year after his imprisonment, if such imprisonment is longer than three years.

A woman has the right to have custody of her children, the right to child support, and the right to iddat (the period immediately following the divorce) for three months, and the mita’a expenses for a year.

Article 189 singles out custody: “The right of custody is the mother’s, then her mother’s, and if incapacitated, then it is the aunt’s, then the mother’s maternal aunt’s, then the mother’s paternal aunt, then the paternal grandmother’s, the father’s paternal aunt’s, then the father’s maternal aunt’s, then the niece.”

Women also have the right to undo the contract, and seek dissolution because of a defect in the husband caused by some sickness or his inability to reproduce which harms the wife.

Article 88 also provides that “The rule of obedience may not be enforced on the wife.”
Political Rights:
Kuwaiti women have become effective in elections. They enjoy all the rights as voters and candidates on an equal footing men, once the condition of masculinity was abolished in the Law of Elections, which used to be confined to men, in 2005.

Since then, Kuwaiti men have been achieving unprecedented victories in elections. In 2009, five women won though the ballot box, without benefitting from a quota system, which has drawn the attention of the world to this new and unique experience of Kuwaiti women. Also, three deputies won in the 2012 elections, and two women were appointed in the Kuwaiti Government. Women continue to be an important factor as a voter and force in the electoral process through the ballot box, because they constitute more than 50% of the citizens, which is more than half, as women outnumber men according to demographic statistics.

Women continue to be appointed in leadership positions in decision making as ministers. The number of women is on the rise as ministers in the Kuwaiti Government, and deputy ministers in the Government ministries, ambassadors and members of diplomatic missions. They have even been allowed to work in the community police, and there are increasing numbers of different ranks in the police department in the Ministry of the Interior, and there is an actual orientation to open the doors for women to join the armed forces in non-combat positions.

THE RIGHTS OF THE CHILD
The State of Kuwait has been keen on providing child care, proceeding clearly from its constitutional principles. Article 9 of the Constitution provides that “The family is the corner-stone of Society. It is founded on religion, morality, and patriotism. The Law shall preserve the integrity of the family, strengthen its ties and protect under its support motherhood and childhood.” Article 10 provides that “The State cares for the young and protects them from exploitation and from moral, physical, and spiritual neglect.” The State undertakes this in addition to its international obligations included in the conventions and treaties it has signed and acceded to, most prominent among which is the Convention on the Rights of the Child (1989) and it two Optional Protocols.

Also, the necessary actions were taken to care for the young, to protect them from exploitation and physical, moral and spiritual neglect, provide aid and health care to protect them from disease and epidemics, secure the right to education, and provide for compulsory and free education.
To effect these principles, the State adopted the following actions:

- Preventive primary care and treatment for children with a view to reducing the mortality rate and teach positive health behavior.
- Protecting children from neglect, delinquency, and infringement on their freedom and physical aggression, through criminalization of such acts, and increase punishment of the perpetrators. Such actions gave rise to a number of provisions in the Articles of the Penal Law no. 16 of 1960, and the Juvenile Law no. 3 of 1983.
- A ministerial (the Ministry of Health) - (Nov. 2009) decision was adopted requiring all doctors to report cases of physical, sexual and psychological abuse. The decision also established commissions in the health zones to monitor and follow such cases when they occur.

In cases where a minor loses his guardian as a result of death, the State of Kuwait has sought to preserve the minor’s assets through the establishment of The Public Authority for the Affairs of Minors by Law no. 67 of 1983. This Authority is the legal representative of the minor, and is responsible for the management of his assets, preserving them and claiming them until he attains the legal age (21), and the Commission’s mandate extends to other humanitarian instances.

Moreover, specialized institutions have been established to provide cultural, recreational and shelter services for children. Most prominent among these are the Women’s and Children’s Department, and its children’s parks and special nurseries for those children below nursery age, and the foster family department and it children’s home and the Juvenile Welfare Department.

Decision no. 6 of 2003 regarding the bylaws for administering family custody and its homes in its Articles 4, 5, 6, and 7 the terms and objectives of the children homes whether they are of unknown parentage or with known parentage but come from broke families, in the following provisions:

**Article 4 the Objectives of Children’s Homes:**
Accommodating and caring for children of unknown fathers, and with known mothers (Kuwaiti temporarily until their custody according to the law).

Accommodating and caring for children who come from broken families temporarily until their family situations improve or until they reach the age of ten.

Implementing comprehensive care programs for children and reporting thereon to the Department.

Maintaining the children’s files and updating them.
Applying the regulations and rules in effect in the home.

Implementing the measured regarding custodian families after the approval of the Family Custody Commission.

Enrolling new children in the Savings Fund.

**Article 5 Terms of Acceptance for Children of Unknown Parentage:**
- The availability of a delivery letter from the Public Prosecutor’s Office or the Ministry of the Interior.
- Primary medical report about the child.
- Letter from the Ministry of Health if the referral was done through it.
- A certificate that the child is free from contagious diseases, especially TB, and aids, and indicating the necessary vaccinations.
- The child’s personal effects

**Article 6 Conditions of Acceptance of Those with unknown fathers and known mothers (Kuwaiti Mothers):**
- A photocopy of the Court’s or the Public Prosecutor’s judgment regarding the issue of the mother proving that the father is unknown.
- A birth notification form from the Ministry of Health.
- A Book from the mother filing a request.
- A photocopy of the mother’s nationality.
- Photocopies of the mother’s ID card, passport, birth certificate and 4 recent photos of her.

**Article 7 Conditions of Acceptance of Children Coming from Broken Families:**
- The child shall be under ten years of age.
- Submission of an application by the guardian, someone acting on his behalf, or any other parties concerned.
- Social research indicating the break-up of the family.
- A certificate attesting that the child is free of contagious diseases or mental disability.
- Documents indicating family break-up
- A photocopy of the child’s guardian’s ID card, passport, birth certificate, and four recent photos of him
- Vaccination certificates.
- Any evidentiary documents such as educational documents.
The organs and machinery overseeing the implementation of the Custody Law and its by-laws shall make it incumbent on the staff of such organs, regarding the cases subject of care, to commit to respecting their dignity, refraining from ridiculing them or poking fun at them, and not to use them in jobs not becoming to their humanity. Also, the technical staff working with this category shall commit to affording them opportunities to participate in the activities and programs as required by the interest of the work.

The following table indicates the number of beneficiaries from the services of the Foster Family Department:

<table>
<thead>
<tr>
<th>Homes</th>
<th>Number of Children at the end of 2010</th>
<th>Number of New Children</th>
<th>Number of Abandoned Children</th>
<th>Number at the end of 2011</th>
<th>Gross Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Children’s Home</td>
<td>32</td>
<td>17</td>
<td>11</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Girls’ Home</td>
<td>-</td>
<td>17</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hostels Boys and Girls</td>
<td>111</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Foster Families</td>
<td>217</td>
<td>317</td>
<td>6</td>
<td>9</td>
<td>-</td>
</tr>
<tr>
<td>Independent of Shelters</td>
<td>81</td>
<td>64</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Children of Kuwaitis Abroad</td>
<td>26</td>
<td>27</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>467</td>
<td>484</td>
<td>18</td>
<td>23</td>
<td>11</td>
</tr>
<tr>
<td>Gross Total</td>
<td>951</td>
<td>41</td>
<td>26</td>
<td>996</td>
<td></td>
</tr>
</tbody>
</table>
The care for children of unknown parentage extended to those orphans in the same situation by encouraging normal families to take them as foster children in order to secure their psychological and social stability and their integration into society. In this regard, Decree –Law no. 82 of 1977 was promulgated regarding foster families, in addition to granting foster families financial assistance to enable them to address the needs of the children, and to save financial sums monthly for the benefit of those children, to help them shoulder the burdens of life when they become independent. Also, the Foster Family Law no. 82 of 1977 gave effect to, and was consistent with the principles consecrated in the Constitution, as it provided for the obligation of the foster families to accommodate the children and raise them according to the Law.

In the Domain of Juveniles:
The State of Kuwait has been greatly interested in juveniles, hence Law no. 3 of 1983 was promulgated in regard to juveniles. It stipulates the manner and methods for the treatment of delinquents, and protects juveniles at risk, after making available the administrative and technical organs and premises for them. There is a multiplicity of social welfare approaches for juveniles, including social, psychological, health and educational care. The Law on juveniles stipulated the following principles and provisions:

A juvenile shall not be held accountable if he was older than 7 but younger than 15 at the time he perpetrated the offense. In case he has committed a felony or a misdemeanor, the Judge shall order the following action in his regard:

- Arrest
- Admonition
- Delivery
- Judicial test
- Placement in a juvenile welfare institution
- Placement in a treatment shelter

The judgments of the Juvenile Court shall not be included among criminal priors.

Article 24 of the Law specifies the instances in which the Juvenile Court, upon the request of Public Prosecutor for Juveniles, to suspend all or some of the rights of Guardianship over the juvenile. These instances are as follows:

1. If the guardian has been sentenced during his guardianship, for the crime of rape or violation of honor, to ten years or more of imprisonment.

2. If the guardian has imperiled the health, safety, morals or the breeding of the
Juvenile because of mistreatment born out of notoriety.

3. If a judgment is issued to place the juvenile in a social welfare home in accordance with the provisions of this Law.

In case any of the above occurs, the Court shall order the curtailment of the guardianship, and delegate the rights of guardianship of which the guardian has been deprived to one of his relatives or to a trustworthy person or to the social welfare home in which the juvenile has been placed.

Also the Law on Juveniles no.3 of 1982 establishes in its third section, in Articles 25, 26, 27, and 28 a judicial organization for trying juveniles. The Court shall be constituted of one judge, which, in turn, will help maintain the privacy of juvenile trials away from regular courts which would terrify the juvenile.

Among the powers and terms of reference of the Juvenile Court as a judicial authority in all cases of juvenile delinquents, trying the cases of juveniles at risk of delinquency, conducting their trials in camera, so that only the relatives, the witnesses, the lawyers and the conduct supervisors from the juvenile welfare homes may attend the trial.

The juvenile may not be present at the trial if that serves his interest, and the presence of his guardian or custodian on his behalf shall suffice, provided the competent conduct supervisor attends the trial.

The bylaws of the Juvenile Department define the rights and duties of juvenile inmates, which provide for a humanitarian treatment of the juvenile, as follows:

1. Not subjecting him to physical and moral harm.

2. Fair treatment without discrimination as to origin, religion, language or race.

3. Seeking to strengthen his relationship with his family, and promoting their reaching out to other.

4. The right to visit his family at home, his lawyer and whomever the home supervisor or his deputy allows him to visit.

Moreover, a commission was established in 1995 to study the problems of the children of Kuwaitis abroad born to non-Kuwaiti mothers. The establishment of the commission, which subsequently became one of the sections in the Foster
Family Department, was intended to protect the children of the citizens abroad, preventing their displacement, providing them with a secure, stable environment and secure the rights of this category to care, protection and self-identity. The estimated budget for the beneficiaries from the services of the welfare homes amounted to 675,000 dinars in 2011.

To keep abreast with the evolution of life, a new Draft Juvenile Law has been prepared and referred to the National Assembly to take appropriate action thereon.

The following table illustrates the beneficiaries from the services provided by Juvenile Welfare during 2011:

<table>
<thead>
<tr>
<th>Kind</th>
<th>Home</th>
<th>Number of Children Present at the end of 2010</th>
<th>Number of New Children In 2011</th>
<th>Number of Children Who left in 2011</th>
<th>Gross Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Exposed to divergence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reception Centers</td>
<td>4</td>
<td>1</td>
<td>17</td>
<td>8</td>
<td>21</td>
</tr>
<tr>
<td>Social Hospitality</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Arrested</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observation</td>
<td>19</td>
<td>-</td>
<td>159</td>
<td>-</td>
<td>151</td>
</tr>
<tr>
<td>Number of Juveniles Sentenced</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Welfare</td>
<td>14</td>
<td>-</td>
<td>56</td>
<td>3</td>
<td>50</td>
</tr>
<tr>
<td>Social Rehabilitation</td>
<td>8</td>
<td>-</td>
<td>28</td>
<td>-</td>
<td>28</td>
</tr>
<tr>
<td>Supervision Office (Judicial Testing)</td>
<td>178</td>
<td>9</td>
<td>572</td>
<td>37</td>
<td>602</td>
</tr>
<tr>
<td>Total</td>
<td>229</td>
<td>17</td>
<td>840</td>
<td>57</td>
<td>862</td>
</tr>
<tr>
<td>Gross Total</td>
<td>246</td>
<td>897</td>
<td>924</td>
<td>219</td>
<td></td>
</tr>
</tbody>
</table>
Achieving Psychological Security in Public Schools:
The method of corporeal punishment or other inappropriate or inhuman methods are completely prohibited, in view of its incompatibility with the concept of sound education physically and psychologically. In this regard, the bylaws of the Ministry of Education provided for the unlawfulness of punishment in all its forms. Under the item entitled General Rules, the Preamble states the following:

- Total avoidance of corporeal punishment, offensive words, demeaning, and favoring the quiet approach free from outbursts and ill temper.
- Fairness and equality in meting out punishment, and not relying on suspicions, but on certainty and verification.
- Punishment should be viewed in the sound educational framework intended to serve preventive, corrective and treatment objectives.
- The punishment should be fully linked to the undesirable conduct, and the student should be unambiguously aware of the reason for the punishment.
- The punishment should be linked to the party that decides it and the student, and the guardian should be informed.

Also, the Ministry of Education issues guidance bulletins periodically, and when complaints are filed regarding corporeal punishment or others. For example, such bulletins address the need to observe the relevant regulations issued in this regard, especially, the School Regulations, and instruct all school personnel not to use any punishment against the students and using instead sound educational practices that give the students confidence and reassures them.

In case the student is subjected to any form of punishment which affects his personality and his school performance, the school, through the psychologist and the social adviser, shall conduct a study of the case, and prepare a quick treatment plan that would restore his psychological and social balance.

Legal Protection for Children:
The Kuwaiti legislator has taken numerous actions that would guarantee the legal protection for children, and protect them from any abuse. This is illustrated by the following:

Article 185 of the Penal Law no.16 of 1960(already cited) prohibits sale of and traffick-
ing in persons, including children.

Juvenile Law No. 3 of 1983 stipulates the protection of children from exploitation in slavery and other forms of forced labor such as prostitution and the production of pornography, or in illegal activities such as drug trafficking.

Additionally, Article 21 of the aforementioned Juvenile Law states that any person who places a juvenile at risk of delinquency or encourages, aids, and facilitates juvenile delinquency in any manner -- even if delinquency does not ensue -- shall be subject to the provisions of Article 20 of the same law and shall be sentenced to no more than three months in prison. Article 1, paragraph c of the law considers juveniles at risk of delinquency if:

1. They are found begging or pursuing unsuitable forms of income.
2. They engage in acts linked to prostitution, debauchery, gambling, narcotics, alcoholic beverages, or the likes, or provide services to those involved in these activities.
3. They mingle with homeless people, criminal suspects, or notorious and unsavory characters.
4. They frequently run away from their homes or educational and vocational centers.
5. They are living through illegal means.
6. They rebel against the authority of their parents or the state.
7. They lack stable shelter or frequently reside in places unfit for inhabitance.

Labor Law No. 6 of 2010 provides special protection for juveniles in a number of its articles, including:

- Article 19, which prohibits the employment of juveniles from either sex if under the age of 15.

- Article 20, which stipulates that juveniles over the age of 15 but under the age of 18 may only be employed if they pass a medical exam and undergo periodic medical checkups, and may only be employed in non hazardous or health-risk industries and professions.

- Articles 21 and 22 prohibit the employment of juveniles in night jobs and limit their working hours to no more than 6 a day, on the condition that they work no more than 4 consecutive hours, after which they would be allowed a 1-hour rest period.
The state of Kuwait cares for all its citizens — men, women, and children alike — including those with special needs, whether disabled or elderly, out of its commitment to its Islamic faith, humane character, and constitutional principles. The state’s different entities work together to provide those with special needs with all forms of care and legal protection as follows:

**First: Persons with Disabilities**

Care for the disabled is provided in a modern, humane, and civilized fashion that conforms to the relevant international conventions, especially the Convention on the Rights of Persons with Disabilities. This approach is evident in the Kuwaiti state’s ratification of Law No. 8 of 2010 regarding the rights of disabled people as a replacement for Law No. 49 of 1996, which pertains to the Higher Council for the Disabled. Some of the core tenets of the new law include:

- The assertion and protection of the disabled person’s dignity and rights through their integration and active involvement in society in an atmosphere of equality, free of discrimination based on disability. In pursuing this goal, the state provided care in all areas and free services through centers that are easily accessible to the disabled.
- The introduction of a legal framework for the familial support system and the obligation of family members to provide all forms of care for the disabled person.
- The provision of adequate stipends, housing options, and free assistive devices. In fact, the state’s annual expenditures on the disabled stand at around $500 million that benefit 33,000 disabled individuals.
- In order to advance the social integration of the disabled, the new law requires the public and private sectors to provide jobs for the disabled, and not just any jobs; the law obliges employers to provide jobs that match the disabled person’s qualifications, skills, and abilities. A prime example of this commitment would be the General Commission for the Affairs of the Disabled, in which disabled individuals contribute to policies and general goals through its higher council, and to executive decisions by sitting on its board of directors.
The law also addresses the provision of social and mental health care for the disabled by stipulating the appointment of social and mental health supervisors who are to be given access to all the information they need, from all the relevant entities, to perform their civil or medical roles. The supervisors also have the right to summon a disabled person's caregivers and alert them to their obligatory responsibilities, and they may register and document legal violations and refer them to the relevant authorities.

Law No. 8 of 2010 grants the General Commission for the Affairs of the Disabled oversight over disabled individuals and obligates their caregivers to inform the Commission in writing of the disabled person's death, illness, relocation, or absence from residence.

Law No. 8 of 2010 allows the Commission to seek court orders for the appointment of new caregivers for a disabled individual or, if need be, the individual's placement in a care facility run by the Ministry of Social Affairs and Labor.

Law No. 8 of 2010 decrees strict punishments for negligent caregivers if their conduct harms the disabled individual. Article 61 stipulates a punishment of a year in prison and/or a fine of up to 1,000 Kuwaiti Dinars, with stricter punishment if the disabled individual is harmed or dies due to this negligence.

To further advance care for the disabled, the Council of Ministers issued decision 2004/41 regarding the Disabled Care Directorate's bylaws and its care facilities. Article 18 of the bylaws requires adherence to the following standards:

- Preserving the dignity of care facility residents and protecting them from ridicule, contempt, and exploitation in acts unbefitting of their humanity.

- Commitment by the technical cadre that works with this segment to involving it in programs and activities that advance their work, and to giving those who can the right to express their opinions and partake in discussions.

The state of Kuwait, and out of its concern for the disabled, their human rights, and the quality of care they receive, issued Law No. 35 of 2013 and ratified the Convention on the Rights of Persons with Disabilities. Additionally, the budget allocated for services benefiting the disabled reflects the state's keenness on providing them with decent living standards. The 2010/2011 budget allocated around 278,375,700 Kuwaiti Dinars to the General Commission for the Affairs of the Disabled.
The following table lists the beneficiaries of disability care services by type of care:

<table>
<thead>
<tr>
<th>Care Facility</th>
<th>Care Type [by sex]</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Rehabilitation Center for Women and Children</td>
<td>--</td>
<td>120</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>132</td>
<td></td>
</tr>
<tr>
<td>Social Rehabilitation Center for Men</td>
<td>168</td>
<td>--</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>173</td>
<td></td>
</tr>
<tr>
<td>Care Center for Disabled Women and Children</td>
<td>28</td>
<td>140</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>Care Center for Disabled Men</td>
<td>104</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>Day Care Center</td>
<td>0</td>
<td>0</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>65</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>99</td>
<td></td>
</tr>
<tr>
<td>Early Intervention Center</td>
<td>0</td>
<td>0</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>78</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>148</td>
<td></td>
</tr>
<tr>
<td>Medical Rehabilitation Center</td>
<td>38</td>
<td>43</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>--</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>--</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>338</td>
<td>303</td>
<td>163</td>
</tr>
<tr>
<td></td>
<td>Day Care</td>
<td>163</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>After Care</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>928</td>
<td></td>
</tr>
<tr>
<td>Overall Total</td>
<td>641</td>
<td>281</td>
<td>6</td>
</tr>
</tbody>
</table>

**Second -- The Elderly:**

The state strives to provide all forms of care to the elderly. It issued Law No. 11 of 2007 on elderly social care, adopted the familial support system, and encouraged families to embrace their elderly by establishing a system of day care, home care, and mobile care, in addition to the following:

Article 8 of Law No. 11 of 2007 on elderly social care stipulates that caregivers who reject, neglect, or exaggerate their commitments as stated in Article 2 and Article 6 shall face imprisonment and fines, with stricter punishments applying if the care recipient is one of the caretaker’s parents.

The Ministry of Social Affairs and Labor issued decision 27/2007 that appointed social and psychological supervisors for the elderly care process and tasked them with obtaining information on care recipients, summoning their family members and informing them of their duties, and registering and documenting violations of Law No. 11 of 2007 and referring violators to the relevant authorities.
The following table demonstrates the number of beneficiaries of the housing and mobile services provided by the Elderly Care Directorate during 2011:

<table>
<thead>
<tr>
<th>Month</th>
<th>Housing Services</th>
<th>Mobile Services</th>
<th>Total Beneficiaries</th>
<th>Monthly Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>Total</td>
<td>M</td>
</tr>
<tr>
<td>January</td>
<td>11</td>
<td>26</td>
<td>37</td>
<td>814</td>
</tr>
<tr>
<td>February</td>
<td>10</td>
<td>26</td>
<td>36</td>
<td>831</td>
</tr>
<tr>
<td>March</td>
<td>11</td>
<td>26</td>
<td>37</td>
<td>852</td>
</tr>
<tr>
<td>April</td>
<td>12</td>
<td>26</td>
<td>38</td>
<td>843</td>
</tr>
<tr>
<td>May</td>
<td>13</td>
<td>27</td>
<td>40</td>
<td>845</td>
</tr>
<tr>
<td>June</td>
<td>13</td>
<td>27</td>
<td>40</td>
<td>842</td>
</tr>
<tr>
<td>July</td>
<td>13</td>
<td>27</td>
<td>40</td>
<td>834</td>
</tr>
<tr>
<td>August</td>
<td>13</td>
<td>25</td>
<td>38</td>
<td>836</td>
</tr>
<tr>
<td>September</td>
<td>13</td>
<td>24</td>
<td>37</td>
<td>837</td>
</tr>
<tr>
<td>October</td>
<td>13</td>
<td>24</td>
<td>37</td>
<td>845</td>
</tr>
<tr>
<td>November</td>
<td>13</td>
<td>24</td>
<td>37</td>
<td>853</td>
</tr>
<tr>
<td>December</td>
<td>12</td>
<td>24</td>
<td>36</td>
<td>859</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>241</td>
</tr>
</tbody>
</table>

The following table shows the age distribution of beneficiaries of the Directorate’s services during 2011:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Age Group</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under 60</td>
<td>60-69</td>
</tr>
<tr>
<td>Male</td>
<td>61</td>
<td>211</td>
</tr>
</tbody>
</table>
The following table shows the distribution of mobile care beneficiaries by province and age group in 2011:

<table>
<thead>
<tr>
<th>Province</th>
<th>Under 60</th>
<th>60-69</th>
<th>70-79</th>
<th>80-89</th>
<th>and 90 over</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Al-Jahra</td>
<td>6</td>
<td>25</td>
<td>11</td>
<td>54</td>
<td>35</td>
</tr>
<tr>
<td>Hawalli</td>
<td>7</td>
<td>11</td>
<td>39</td>
<td>66</td>
<td>25</td>
</tr>
<tr>
<td>Al-Ahmadi</td>
<td>6</td>
<td>29</td>
<td>44</td>
<td>95</td>
<td>72</td>
</tr>
<tr>
<td>Capital [Kuwait]</td>
<td>9</td>
<td>21</td>
<td>35</td>
<td>92</td>
<td>73</td>
</tr>
<tr>
<td>Al-Farwaniyah</td>
<td>21</td>
<td>41</td>
<td>45</td>
<td>152</td>
<td>80</td>
</tr>
<tr>
<td>Mubarak Al-Kabeer</td>
<td>12</td>
<td>28</td>
<td>34</td>
<td>83</td>
<td>53</td>
</tr>
<tr>
<td>Total</td>
<td>61</td>
<td>155</td>
<td>208</td>
<td>542</td>
<td>338</td>
</tr>
</tbody>
</table>

In recognition of the Kuwaiti society’s inherent respect for parents and the elderly, and acting on humanitarian and social considerations, the Health Ministry bestowed special status onto this social segment and granted it unique access to medical services by issuing a number of decisions that reflect this commitment, such as:

1. Affording citizens over the age of 60 and those with special needs priority access to medical services through the issuance of special identification cards that guarantee
priority access.

2. The creation of a national committee for elderly care that is chaired by the minister of health and includes a number of undersecretaries, directors, and civil society figures, in addition to the establishment of agencies and bodies tasked with a range of duties that are meant to provide medical and social care services to the elderly and conduct extensive programs according to specific timeframes to guarantee the provision of these services.
The problem of illegal residents in the state of Kuwait is multi-faceted. Its emergence in the middle of the twentieth century coincided with a construction boom, economic prosperity, and stability on the political and security fronts that drew people from various countries to Kuwait in search of income and stability. They left their countries and concealed their nationality documents in the hope of securing the Kuwaiti nationality even though they do not qualify for it according to Nationality Law No. 15 of 1959, its amendments, and the interest and sovereignty of the state as defined in the constitution. The aforementioned law applied to all residents of Kuwait, whether they lived in cities or the desert.

Therefore, we stress that the term “illegal resident” is the correct legal designation of individuals referred to as “Bidoon” [translator’s note: “Bidoon” is the Arabic word for “without,” used in reference to those “without nationality”] as stipulated in Decree No. 467 of 2010, which established the Central Agency for Rectifying the Status of Illegal Residents. The decree defines illegal residents as groups that came to Kuwait in search of livelihoods and access to the services provided to Kuwaiti nationals in the areas of housing, education, health, and others, and hence hid their passports and identification documents in the hope of obtaining Kuwaiti nationalities. Evidence of this behavior can be found in the drop in the number of illegal residents from 220,000 prior to the Iraqi invasion in 1990 to 117,000 in 1992 after scores returned to their countries while others rectified their legal status by producing their official documents.

Nonetheless, the state of Kuwait strived to solve this problem in a humane manner that affords these people dignified lives and provides everything they need to resolve their problems, as demonstrated by the following measures:

- In 1986, a committee was formed under the chairmanship of the then deputy prime minister and foreign minister, His Highness Sheikh Sabah Al-Ahmad Al-Sabah, the incumbent Amir of Kuwait, for the purpose of finding suitable solutions to this problem. The committee gathered and scrutinized the personal information of illegal residents and proposed several solutions in an organized manner. Part of the problem was indeed solved, but work had to be stopped due to the Iraqi invasion in 1990.

- After Kuwait was liberated from the Iraqi invasion in 1991, the aforementioned committee was reestablished under the chairmanship of the then state minister for cabinet affairs in order to resume the implementation of existing solutions.
and address post-liberation issues.

- In 1993, the Amir of Kuwait issued Decree No. 221 of 1993 that established the Central Committee for Rectifying the Status of Illegal Residents.

- In 1996, the Amir of Kuwait issued Decree No. 85 of 1996 that established the Executive Committee for the Affairs of Illegal Residents under the chairmanship of the interior minister. The committee conducted a census of illegal residents and shared information with various ministries and state institutions.

The Central Agency for Rectifying the Status of Illegal Residents:

The Supreme Council for Planning and Development was tasked with reviewing the status of illegal residents and it laid out a roadmap that was endorsed by the Council of Ministers through Decision 2010/1612, which recommended the creation of a central agency charged with implementing the roadmap. The agency, which was created through Decree 2010/467, began implementing this roadmap according to the following guiding principles:

First:
the examination and fair resolution of various cases in order to distinguish those eligible for assistance from violators and forgers before taking appropriate measures.

Second:
respect for and commitment to human rights as demonstrated through the provision of services that guarantee illegal residents a dignified living.

Third:
ensuring that matters of citizenship in the State of Kuwait are handled in accordance with Nationality Law No. 15 of 1959 and its amendments by upholding the criteria that applicants for naturalization must meet, all while observing the fact that nationality is an issue of sovereignty that is exclusive to the state.

Fourth:
guaranteeing the right of illegal residents to request the Kuwaiti citizenship once their status is rectified in accordance with legal provisions and
Fifth: prioritizing and expediting cases where individuals meet all the naturalization criteria and submit proper documentation and accurate information, provided there is no cause for postponement, or where individuals are clearly not entitled to Kuwaiti citizenship for violating the law or posing a risk to the country’s higher interests.

The agency’s first course of action was to divide illegal residents into the following status groups in accordance with the roadmap:

Group one: Persons requiring status rectification, and they include:

- Persons who fail to obey departure notices but are the descendants of foreigners who hold authentic (non-Kuwaiti) passports, with the exception of military personnel in active duty.

- Persons who hold personal identification documents from other countries or are registered in the state’s security monitoring system, unless they were born to Kuwaiti women.

- Persons with security records for actions that harm state security.

- Persons with criminal records for dangerous or repeat crimes.

- The grandparents and parents of persons holding authentic (non-Kuwaiti) passports.

- Persons with records of presence in the country during or before 1980.

- Persons for whom there are no records of presence in the country during or before 1965, but for whom there are such records for the period from 1966-1979.

- Persons of known nationality with the exception of military personnel, GCC nationals, and relatives of Kuwaiti nationals (sons, brothers, uncles, mothers, and wives).

Members of this group are issued red agency cards that are valid for one year pend-
ing status rectification. They enjoy free medical treatment and education and are issued blue services cards if their status is rectified. The Central Agency coordinated with the Interior Ministry over a number of measures, such as providing the Immigration Directorate with information on 2,000 foreigners, and some 11,537 individuals had their statuses rectified.

**Group two: Persons to be considered for naturalization, and who include:**

- Persons related to Kuwaiti nationals and for whom there are records of presence in the country during or before 1965.

- The children of divorced and widowed Kuwaiti women.

- Persons with over 30 years of service in the government sector.

- Persons who possess needed skills or have been of great service to the country and its people.

Members of this group are issued green agency cards pending review of their naturalization cases in accordance with Kuwait’s Nationality Law and its amendments, and they enjoy the privileges outlined in Council of Ministers Decision 2011/409. The Central Agency submitted three rosters to the Council of Ministers that contained the names of 141 Kuwaiti mothers, divorcees, widows, and their children. The children were indeed granted Kuwaiti citizenship in accordance with Article 5/2 of the Nationality Law, which recognizes as Kuwaiti citizens the children of Kuwaiti women who reside in the country until they reach adulthood if their non-Kuwaiti father are imprisoned, divorced from their mothers, or dead. The agency also referred 225 names to the Council of Ministers for consideration for naturalization after they met the necessary criteria.

**Group three: Persons to be issued residency permits pending status rectification, and who include:**

- Military personnel and government sector employees regardless of their documented dates of presence in the country.

- The relatives of Kuwaitis who were not in the country prior to 1965.

Members of this group are issued yellow agency cards, but once their status is rectified, they are given blue services cards and can enjoy all the privileges and facilitations attached to their new cards. The Central Agency worked alongside the Minis-
tries of Interior and Health and the House of Zakat to simplify procedures for those who rectified their status, issue them blue services cards that are renewable every five years, and grant them residency in the country under Article 24 of the Aliens Residency Law and access to various entitlements. A total of 155 individuals have rectified their status since March 2012.

Fundamental rights and services offered to illegal residents:

The state of Kuwait has, out of its humanitarian nature, provided and guaranteed rights to all the above groups of illegal residents, in keeping with its Islamic and Arab values and in recognition of the right of all those living on its soil to dignified lives. The state provides for these groups by affording them several rights and services that include:

Free medical treatment:

The state of Kuwait provides illegal residents with free medical treatment in all government hospitals and clinics. It covers the costs of medical treatment and care, from tests and operations to drugs and other matters, through the Charitable Fund for Providing Medical Care to People in Need, and which was established by Council of Ministers Decision 2003/855. Illegal residents used to pay 50 dinars in health insurance, but now only pay 5 dinars. These services are provided to persons who have been issued cards by the Central Agency, and those without agency cards are issued health insurance cards by the House of Zakat and Health Ministry.

Free education:

The state of Kuwait believes in the importance of education and has therefore sought to provide it, as a fundamental right, to the children of illegal residents. It created the Charitable Fund for Educating Children in Need, as stipulated in Council of Ministers Decision 855 of 2003, and placed it under the supervision of the General Secretariat for Islamic Endowments, the Ministry of Education, and the Central Agency for Rectifying the Status of Illegal Residents. The state also provides financial aid to the fund.

The number of students benefiting from the fund’s services during the 2012/2013 academic year stands at 13,533 students, at an estimated cost of 3.795 million dinars, of which 155,464 dinars were spent on school books.
Additionally, and in accordance with ministerial decisions 1994/104 and 2001/142 regarding the education of the children of active duty and retired military personnel who are illegal residents, the state paid 2,640,071 dinars for these children’s education.

Also worth noting is that the state’s drive to educate the children of illegal residents extends to university education. The Central Agency worked with the University of Kuwait to reserve university seats for the sons of martyrs (open seats) and the children of Kuwaiti mothers residing in the country illegally, and to reduce the minimum secondary school cumulative average required for enrollment from 80% to 70% for students on the science track, and from 85% to 78% for those on the arts track. A total of 150 seats were set aside, and honor school graduates who scored 80% and 85% in the science and arts tracks respectively filled 15 seats on average. Additionally, school graduates married to Kuwaitis who scored 70% and 75% in the science and arts tracks respectively filled 5 seats on average. His highness the emir of Kuwait also decreed that honor students whose parents are illegal residents are to all be accepted into the University of Kuwait at present.

The provision of education to the children of illegal residents also includes studies at the Public Authority for Applied Education. The process involves coordination between the commission and the Central Agency as follows:

- **Individuals officially designated for treatment as Kuwaitis**: This group is to receive the same treatment as Kuwaiti students who hold old or recent diplomas, provided that their letter of designation is valid upon applying for enrollment. The chairman of the authority’s board of directors reserved 50 seats for students from this group and 65 seats for those who receive academic scholarships. Students offered scholarships are to receive the same treatment as Kuwaiti students holding recent diplomas, but they must obtain their secondary school diplomas in Kuwait to qualify for these scholarships.

- **Illegal residents related to Kuwaitis (Kuwaiti mother - Kuwaiti husband)**: This group receives the same treatment as Kuwaiti students holding recent diplomas on the conditions that they obtain their secondary diplomas in Kuwait and score 65% or 66% if male, and 70% or 60% if female, in the arts or science tracks respectively.

- **Children of illegal residents serving in the military**: This group receives the same treatment as Kuwaiti students holding recent diplomas prided that they obtain their secondary school diplomas and attend all levels of schooling in Ku-
wait, and provided that their father served for no less than 15 years and is either still employed, retired due to age or illness, or dead. Additionally, male students need to score at least 65% or 55% in their secondary school diplomas for the arts and sciences tracks respectively, while female students need to score at least 65% and 60% in those tracks.

- **Children of illegal residents designated as martyrs or prisoners of war:** This group receives the same treatment as Kuwaiti students holding recent or old diplomas provided they obtain the proper documents from the Martyrs Office in the Office of the Emir.

**Civil documentation**

This includes the right to obtain birth and death certificates, marriage contracts, and divorce documents in accordance with Law No. 36 of 1969 and without any complications or obstacles if the required conditions are met. The process was facilitated by decision 2011/409 that approved the term “non-Kuwaiti” as a citizenship option, hence allowing the issuance of 14,547 birth certificates by June 2012, 900 death certificates, 5,582 marriage contracts by March 2011, 441 divorce documents, and 29 divorce revocation certificates.

**Traffic services**

Kuwaiti law allows the children of illegal residents (to obtain driving licenses) through Council of Ministers Decision 2005/1729 pertaining to the conditions governing the issuance of driving licenses as outlined in Article 85 of the executive provisions of Traffic Law No. 81 of 1976. The decision waived these conditions for certain segments, including illegal residents who hold Central Agency cards.

**Services for illegal residents with special needs**

The disabled children of illegal residents are entitled to the services provided by the Higher Council for the Disabled if they qualify under Paragraph 1, Article 2 of Law No. 8 for 2010, which stipulates that **"the provisions of this law shall apply to disabled Kuwaitis and the (disabled) children of Kuwaiti women from non-Kuwaiti fathers on matters pertaining to medical care, education, and employment rights as outlined in this law."**

As for those who do not qualify under the above article, they are referred to the Patient Aid Fund and the House of Zakat, even though illegal residents continue to enjoy the privileges provided by the Ministry of Social Affairs and Labor and are offered
employment opportunities in the government and private sectors. Issuance of power of attorney documents from the Religious Documentation Directorate. These documents are issued to those carrying valid cards or health insurance cards that have a “non-Kuwaiti” entry in the citizenship field.

Right to Employment

The state of Kuwait provides employment opportunities to illegal residents in the government and private sectors according to labor market needs. In the government sector, the Civil Service Bureau provides jobs for those who hold academic degrees (diplomas or bachelor, masters, or PhD degrees) if they were registered during the 1965 census or have proof of long-term presence in the country, whereas those with secondary school diplomas or lower academic achievement are employed in the private sector depending on vacancies and the sector’s needs. The Civil Service Bureau was also approached on the creation of a new group that would be employed in state ministries and would consist of those who rectify their status and obtain new passports from their countries of origin.

Food Ration Cards

The Central Agency and the Ministry of Trade and Industry worked together to provide food rations to family members designated as illegal residents. Food ration cards have been issued to 88,000 people in this group.

House of Zakat Services

The House of Zakat has provided uninterrupted support and services to illegal residents that include:

First:
DNA fingerprinting for 7,382 people at a cost of 627,000 dinars.

Second:
Assistance to more than 126,005 families that include 60,000 illegal residents at a cost of 13 million dinars.

Third:
Monthly allowances to 10,923 families of illegal residents at a cost of 5 million dinars a month by the middle of 2010, and providing 612,000 dinars worth of token relief by 2009.
Fourth:
The House of Zakat undertakes the responsibility of issuing a health insurance card for persons who do not have a reference card from the central authority.

Housing Care and Social Security:

While housing care is exclusive to Kuwaiti nationals, the State of Kuwait provides low-cost housing to charity cases (among non-citizens) according to law no. 45 of 2007 on housing care. The number of housing units provided for illegal residents who are military personnel serving in the ministries of defense and interior stands at 4,800 units, while two million Kuwaiti dinars have been issued as housing subsidies to persons with no residence, be they military or civilian personnel employed in the government sector. Moreover, military personnel serving in the armed forces and police service enjoy social security benefits.

Issuance of Travel Documents:

Illegal residents are issued passports according to article 17 of law 11 of 1962 regarding passports. Passports are issued for the purpose of traveling for Hajj and Omrah rites (pilgrimage and minor-pilgrimage), medical treatment, education, and other humanitarian purposes within certain limitations. Passports are issued with no complications worth mentioning. In addition, it has recently been announced that such passports can be issued to those desiring to rectify their illegal status in order to facilitate their return to their country of origin to acquire their original documents.

End of Service Benefits:

Article 11 of the constitution stipulates: “The State ensures aid for citizens in old age, sickness, or inability to work. It also provides them with services of social security, social aid, and medical care.” In light of the above, end of service benefits are issued to illegal residents without any restrictions keeping in mind that such benefits are exclusive to Kuwaiti nationals. Nine hundred and twenty one retirement pensions have been issued.

Issuance of Residence Permit to Those Who Rectify their Illegal Status:

This service is offered to any illegal resident who changes his legal status in the country. The person is issued legal residence. Neither the person nor any members of
his family are subject to any legal questioning according to article 24 of the Kuwaiti
law on foreign residents. Services cards are currently issued to them in accordance
with Council of Ministers decision 2011/409. The Central Agency coordinated with
the Public Department of Immigration, the Public Department of Forensic Evidence
(Ministry of Interior), the Health Insurance Cards Department (Ministry of Health),
and the House of Zakat in order to facilitate procedures for illegal residents who
have amended their status. A dedicated center has been established in the Ministry
of Interior’s Immigration Department where 11,527 individuals have amended their
status as of September 2012.

Right to Litigation and Expression:

The State of Kuwait guarantees the right to litigation for all, including illegal residents
in accordance with article 166 (mentioned previously under the right to litigation). They also have
the right to express their opinions and views and to demonstrate peacefully within the limitations and conditions set by the law.

LABOR RIGHTS

Due to Kuwait’s need for labor in every facet of life and because of its limited population and high demand for labor, the state has sought labor from abroad, resulting in a foreign labor presence that outnumbers its residents. These workers are employed by the government and the private sector, with some employed as domestic servants. In all this, the State of Kuwait has taken all human rights requirements into consideration and consequently adopted many measures including the following:

First – Domestic Servants:

Law 40 of 1992 regulates recruitment agencies that employ private servants or any persons of equal standing. The law incorporates guarantees for domestic servants through the following articles:

- Article 2: “Licensed agents and their employees are forbidden to charge servants or any persons of equal standing any fees in return for employment or recruitment be it directly or indirectly.”

- Article 3: “While not superseding any stricter penalty set by the penal code or other laws, a person who violates articles one and two of this law shall be sentenced to a period of imprisonment not exceeding three months and/or a fine no less than 200 Dinars and no more than 400 Dinars. The violating agency
or establishment may be closed for a period not exceeding six months. The penalty is doubled if the offence is repeated within two years of the date of the final verdict in the first crime. In such an event, the agency or establishment involved may be closed permanently.”

- Article 4: “Officials mandated by the Minister of Interior to monitor the application of this law have the right to inspect agencies and establishments that recruit domestic servants or any persons of equal standing and review their files and records. The officials have the right to cite violations of the law, issue the necessary reports, and refer them to the specialized authorities.”

A Department for Domestic Labor was also established in the Ministry of Interior and is tasked with supervising agencies that recruit domestic servants. The department’s responsibilities include:

First:

   Applying the rules and regulations set by legislation that regulates the work of agencies that recruit domestic servants or persons of equal standing.

Second:

   Inspecting agencies and establishments that recruit domestic servants or persons of equal standing and reviewing their files and records.

Third:

   Citing violations, issuing the necessary reports on domestic labor, and referring them to the specialized authorities.

According to the stipulations of the afore-mentioned law 1992/40, a new trilateral contract was prepared for the recruitment and employment of domestic servants (between the sponsor, the agency, and the worker). The new contract was disseminated to all domestic service agencies and went into effect on 1 October 2009. The most salient feature of the new contract is the guarantees it offers to workers, including adequate living facilities, food, clothing, medical care in public hospitals, and compensation for work-related injuries. The contract guarantees that the worker will not be employed by a third party or for a purpose other than the one the worker was recruited for. Moreover, sponsors are forbidden to confiscate the worker’s passport. The worker is entitled to a travel ticket for a two-month paid vacation after two years of service. The contract stipulates an 8-hour work day and one rest day a week.
Other rights guaranteed by the contract include:

- The worker is entitled to one vacation day a week and a one-month paid vacation for every year spent with the sponsor.

- In the event of the worker’s death, the sponsor is bound to pay his beneficiaries two months’ salary.

- The employer is bound to provide free housing, food, and medical care to the worker.

- The sponsor is bound not to task the worker with work that undermines his dignity.

- A minimum wage is set.

- Compensation for work-related injuries.

- A work day must not exceed 8 hours.

- The worker maintains the right to keep his passport in his possession.

- A worker is entitled to a travel ticket to return to his country of origin.

- In the event of the worker’s death, his remains are to be transported at his employer’s expense.

- The worker is entitled to monetary compensation for any overtime the employer requires.

Victims Shelters:
In compliance with Council of Ministers’ decision number 652 of 2007, a location was designated for the temporary shelter of foreign labor, especially servants, who have disputes with their employers pending. The Ministry of Interior, through the Domestic Labor Department, supervises the location in cooperation with the Ministry of Social Affairs and Labor. The shelter accommodates 700 male and female workers. It offers medical, psychological, and social care in addition to the care provided by some embassies of the workers’ countries of origin.

Past labor regulations have been amended by decision number 2010/1182 which forbids all forms of labor abuse. The articles of the decision include a number of important legal stipulations:
Article 8: “Every person who shelters or houses a foreigner in their residence shall notify the immigration department of the district where the property is located of the foreigner’s name, address, nationality, and passport number within 48 hours of the foreigner’s arrival or departure. The Minister of Interior shall issue a decision outlining the measures to be taken after notification.”

Article 12: “It is forbidden to shelter, house, or employ any foreigner who is illegally residing in the country. It is also forbidden to employ any foreigner recruited by another party throughout the duration of his contract.”

Second: Private Sector Labor
Kuwait has witnessed exceptional prosperity after the advent of oil and the transformation of capital into investments in modern construction, production, services, and other pursuits. This boom has required a labor force that exceeds the one available locally and attracted contracted labor from abroad. The need to place legal regulations on the private sector labor force arose and led to the issuance of law 38 of 1964, subsequently amended by law 6 of 2010, on private sector labor. As of December 2012, the number of laborers stands at 1,269,746 divided into 5,738 nationals and 1,224,009 foreigners.

Labor-related international conventions were taken into consideration during the preparation of law 6 of 2010, which was also guided by the observations of the Department of Standards and the expertise of the International Labor Organization’s group of experts. These sources were considered a foundation for regulating the employer-employee relationship. Aspects of the law include the following:

The law does not set a limit on the employment of foreigners in the private sector and leaves it up to the needs and demands of the labor market.

Article 2 of the law applies the afore-mentioned law to all employees in the private sector.

Article 6 stipulates that all privileges and rights set by the law constitute a minimum level that cannot be forfeited. Any agreement to the contrary is considered void.

Article 28 prohibits employers from deducting from employee wages even with the consent of the latter. It considers any agreement to the contrary as absolutely void.

Article 34 stipulates issuing housing subsidies to employees in the event suitable
housing is not available.

Article 37 provides legal guarantees to employees if they are investigated for allegations of legal infringements.

Article 44 requires employers to give employees adequate notification upon the unilateral dissolution of the employment contract so as to give employees the opportunity to search for other jobs in the meantime, while allowing employees one whole day (or eight hours) a week of paid absence.

Article 45 prohibits the dissolution of an employment contract when the employee is absent on leave approved by this law.

Article 46 prohibits ending an employees’ service with no justification or for reasons of origin or religion.

Articles 55-63 of the law stipulate legal protection for all workers without discrimination according to wages.

Articles 64-69 regulate work hours, weekly days of rest, official holidays, and annual and medical leave.

Articles 80-97 impose numerous obligations to guarantee workers’ safety in the workplace.

Sponsors’ System

The State of Kuwait has paid a great deal of attention to the issue of sponsors and any violations or abuse of employees’ rights that may be entailed. The State of Kuwait adopted measures that include:

- Employees are permitted to change employers without the consent of the current employer providing the employee has completed three years of service according to decision 2011/200 amended by decision 2011/213. If the set duration is not met, the Ministry of Social Affairs and Labor can transfer the work permit between employers without the need for consent if it finds proof that the current employer was behaving in an arbitrary manner or violated his obligations toward the employee.
• The confiscation of employees’ passports was prohibited by a law issued by a decision of the minister of social and labor affairs number 2010/194. Cases filed by employees to regain custody of their passports from their employers are not subject to the conditions set for labor disputes and the requirement to submit a complaint to a specialized department.

• Ministerial decision number 2012/103 was recently issued establishing a hot line to receive complaints from employees.

• The law accords special provisions for female employees, including dedicating nursing hours during the work day, requiring employers to provide daycare facilities in the workplace for children below the age of four (article 25) and to provide security and transportation services to female employees if they work at night (article 22). The law requires employers who utilize employees in remote locations to provide adequate housing and transportation to the workplace free of charge. If it is not possible to provide housing, employers are required to issue adequate housing subsidies according to article 34 of the same law. The Ministry of Social Affairs and Labor issued ministerial decision 2010/199 on employee housing and on the conditions and requirements of housing and transport.
PROMOTING A CULTURE OF HUMAN RIGHTS

Human rights are universal values that are observed and practiced after becoming part of people’s daily behavior. For this to happen, human rights values must be nurtured and reinforced as the first and foremost step. The State of Kuwait has striven to reinforce these values: it did not stop at a text stipulating respect for human rights in the constitution and relevant legislation, but also sought to entrench human rights by promoting a human rights culture at all levels. The state’s efforts are embodied in the following:

First – Teaching Human Rights

The state of Kuwait has attached great importance to teaching human rights be it in public education or university education. It incorporates human rights curricula that aim to enhance and entrench these rights through the following measures:

Public Education:

Despite the fact that human rights are implicitly incorporated in all school curricula in every stage of schooling, the State of Kuwait has started teaching a curriculum called “The Constitution and Human Rights” to high school students. The state is motivated by the view that human rights are universal and cannot be separated from the individual; rather, the existence, happiness, and well-being of a person can only be based on these rights, which ensure human dignity, justice, equality, and the wellbeing of individuals and societies from an integrated perspective. The curricula have general purposes, and they are as follows:

• Raising awareness of the importance of democracy, the constitution, and human rights.
• Providing information and resources on the constitution and human rights.
• Preparing students for a lifestyle based on the principles of democracy, the constitution, and human rights.
• Promoting human values related to human rights.
• Creating positive attitudes to democracy, the constitution, and human rights in general.
The designated textbook teaches the different aspects of human rights: their concept, importance, features, sources, and the role of international organizations in defending human rights. The textbook includes a detailed examination of some rights such as the rights to life, equality, and human dignity, freedom of belief, freedom of opinion and expression, the right to learning and education, women's rights, children's rights, political rights, and the duties of the individual.

In order to accomplish the objectives of the curriculum and ensure an education in human rights, several workshops were held for teachers to introduce them to the most salient teaching methodologies. In addition, seminars, discussion groups, and other activities were conducted in schools and field visits made to establishments related to human rights.

The State of Kuwait chaired and actively participated in drawing up the Arab Plan for Human Rights Education (2009-2014) supervised by the League of Arab States and ratified by all Arab states at the Arab summit held in Damascus in 2008. The plan aims to mainstream human rights in all levels of schooling and education, develop and train human resources to teach human rights, prepare an educational environment for teaching human rights, and expand social participation in spreading a culture of human rights. The plan is not limited to education; it includes other sectors, such as the state ministries, with the purpose of entrenching a culture of human rights and mainstreaming it in daily life.

In the same context, the team tasked with designing and following up the plan issued a guidance manual with the title “Guidance Manual for Human Rights Education.” The manual includes: “The concept of human rights – a historical perspective – sources (religious, ideological, political, international treaties and conventions, constitutions and national laws and regulations) – training – the instructor – curricula – evaluation.”

**University Education:**

The Human Rights subject is taught at colleges of law as an academic prerequisite. The subject is also available to students pursuing other majors, be they law students or students from other colleges. The subject of international human rights law is also offered. Topics covered include:
Domestic Recognition of Human Rights:

The following issues are taught: Human rights in the old ages, human rights in the middle ages focusing on the most important documents adopted by the English and French systems, and the position of the Kuwaiti constitution on human rights.

International Recognition of Human Rights:

Also taught: Pre-World War I era, minimum required treatment of foreigners, foreign privileges, diplomatic immunity, humanitarian intervention, and human rights between the two world wars (under the League of Nations).

Universalization of Human Rights After World War II:

Topics taught include: The role of international organizations in securing respect for human rights (the United Nations), the role of regional organizations in guaranteeing respect for human rights, the role of international nongovernmental organizations (NGO’s) in defending human rights, international developments that support human rights.

International Humanitarian Law:

Topics covered include: The distinction between international humanitarian law and international human rights law, sources of international humanitarian law, the principles of international humanitarian law, national entities that support international humanitarian law.

Second – Training in Human Rights

The State of Kuwait strove to train the majority of persons working in human rights-related fields out of a desire to spread awareness of human rights and their practical application. Training was offered to military and non-military establishments.

The Ministry of Interior offered awareness raising, educational, and teaching courses to its staff, including military and other personnel, as soon as they enrolled in security academies and colleges. It used educational material and curricula related to human
rights and relevant penal codes with the purpose of ensuring a full understanding of Kuwaiti law, which is based on enhancing and promoting the concepts of human rights in the State of Kuwait. Awareness raising efforts include:

- Participation in local and international conferences and courses related to human rights, including courses conducted in cooperation with the John Pikans Institute in the United States. The courses were held at the Kuwait Institute for Judicial and Legal Studies. An intensive training course was offered under the sponsorship and supervision of the International Organization for Migration in the Kingdom of Bahrain.

- The officer training academy at the Ministry of Interior prepares a human rights training course that defines human rights, the democratic enforcement of the law, the legal and moral conduct of law enforcement officials, and the rules of legal action. The course covers international instruments and conventions pertaining to human rights and explains the code of conduct for law enforcement officials issued by the United Nations' General Assembly in 1979 with special focus on article 5 forbidding torture.

The following training courses were conducted:

- Limits of administrative detention.
- Human rights and international protection.
- Administrative investigations and disciplinary sanctions.
- General human rights principles.
- Litigation procedures and following up on the application of sentences.
- Protecting persons in police work.
- Arrest and search procedures without the indiscriminate use of authority.
- Introductory course on the protection of victims of human trafficking and interrogating traffickers.
- Advanced course on the protection of victims of human trafficking and interrogating traffickers.
• Course on human rights and contracted labor.
• Course on security services and their role in raising awareness in society.
• The art of dealing with others in searches and investigations.
• The art of dealing with the public in the general administration of investigations.
• Human rights in criminal litigation.
• Human rights in police work.
• Round table on the role of security in social development.
• Juvenile and domestic abuse cases.

The following workshops were conducted:

• Enhancing the role of the Department of Foreign Labor in Kuwait.
• The concept of international protection in refugee law.
• Gender violence and violence against women.

The Kuwait Institute for Judicial and Legal Studies, in coordination with the Ministry of Justice, organized training courses and workshops that were offered to authorities working in the human rights field. The courses were based on international instruments and conventions and applicable domestic laws in Kuwait. Participants in these courses include judges, public prosecutors, and legal researchers at the Department of International Relations and the ministries of justice, interior, social and labor affairs, and foreign affairs, as well as other researchers specializing in the matter.

The Ministry of Foreign Affairs offers many training courses on human rights at the national, regional, and international levels to raise awareness of human rights among its personnel. The courses are offered through an awareness-raising and training program conducted in coordination with the Diplomatic Institute of Kuwait (The Saud Al-Naser Al-Sabah Kuwaiti Diplomatic Institute).
HUMAN RIGHTS AND KUWAIT’S DEVELOPMENT PLAN

In affirmation of its interest in human rights, the State of Kuwait incorporated a general policy on human rights in its 2010-2014 development plan. The policy is called “Improving Kuwait’s Image Abroad as a Defender of Human Rights.” The Ministry of Foreign Affairs adopted a promising development program to back this policy under the title: “Enhancing Kuwait’s Role and Efforts in Human Rights.”

The Ministry of Foreign Affairs chose to work on three main axes in adopting this important development program. They are:

First: Training Courses in Kuwait

The courses aim to develop the skills of all Foreign Ministry staff (diplomats and administrative staff) in the field of human rights and inform them of the latest developments in such a vitally important field. The Foreign Ministry conducted several internal training courses, including:

1. A training course in cooperation with the International Committee of the Red Cross under the title “Basic Rules of International Humanitarian Law.” The course was offered from 18-20 December 2012.

2. A training course in International with the International organization for migration, under the title “Human Resources and counter trafficking” it was held from 10-12 February 2013.

3. A training course in cooperation with the School of Law at the University of Kuwait under the title: “National and International Framework for Human Rights in Kuwait.” It was offered from 25-27 March 2013.

4. An advanced training course in cooperation with the International Committee of the Red Cross under the title “International Humanitarian Law and Human Rights.” It was held from 27-29 May 2013.

5. A training course in cooperation with the School of Law at the University of Kuwait: “National and International Framework for Human Rights in Kuwait.” It was offered from 2-4 December 2013.

Second: Training Courses Abroad

This approach is based on holding training courses and interactions abroad in the field of human rights for Foreign Ministry employees specializing in the matter. These interactions include a training course in the United Arab Emirates (Dubai) in cooperation with the Geneva Institute for Human Rights under the title “Mechanisms for the Protection of Human Rights” from 25-29 November 2012.
Third: Publishing a Book on the State of Human Rights in Kuwait

The team in charge of the development program issues an annual publication throughout the duration of the project, which started in 2012 and will end in 2016. The publications will shed light on important aspects of human rights in Kuwait. This publication (Human Rights in the State of Kuwait – Bases and Foundations) sums up the project’s first year, during which we focused on constitutional and legal measures adopted by Kuwait in the field of human rights. It is considered a basic preamble to future publications.

KUWAIT AND THE HUMAN RIGHTS COUNCIL

On 15 March 2006, the United Nations General Assembly issued resolution 60/251 establishing the Human Rights Council to be based in Geneva and replace the Human Rights Commission. The council was formed as a subsidiary organ of the General Assembly. It has 47 members elected by the General Assembly through a direct secret vote. The council generally aims to do the following:

• Promote and protect human rights and fundamental freedoms.
• Confront any violation of human rights.
• Make recommendations on human rights.

The Human Rights Council, according to the mandate set for it in resolution 60/251, issued resolution 1/5 on the establishment of UN Human Rights Council institutions, which determined the council’s work methods, the most important of which being the Universal Periodic Review process.

Kuwait became a member of the Human Rights Council in 2011 for a term expiring in 2014. It submitted its national report for review to the Human Rights Council in May 2010. To this end, a ministerial committee was formed in the Ministry of Foreign Affairs and most of the recommendations made by states in the review process were accepted.

Kuwait also submitted its national reports to several international commissions – including, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention against Torture. It also discussed the Convention on the Rights of the Child, and the International Covenant on Economic, Social, and Cultural Rights.

Kuwait has been active in the framework of the Human Rights Council. Examples of this include, but are not limited to, the following:

• Offering a voluntary annual donation of $500,000 to the High Commission on Human Rights.
• Sponsoring and supporting important resolutions on the Palestinian question.
• Supporting international efforts on Syria.
CONCLUSION

This publication has dealt with the bases and main foundations of human rights in the State of Kuwait. It has reviewed articles from the constitution and the laws that regulate and maintain them. It made references to several applications of the law that reflect the evolution of human rights throughout Kuwait’s history and the attention accorded to them, which confirms the intensive efforts it exerted in the process. In addition, Kuwait plans on implementing future projects that would complement Kuwait’s efforts in human rights issues.

The past pages show readers that human rights in the State of Kuwait are based on a firm and solid framework of reference that has made these rights part of the nature and make up of Kuwaiti society and individual behavior because these rights emanate from the values of noble Islam and pure Arab history in addition to local national values. The Kuwaiti Constitution contains articles that guaranteed and promoted these rights and from them stemmed rules and decrees that represent the applied and practical aspect of everything related to human rights.

This publication gives an integrated portrayal of the status of human rights in the State of Kuwait. It contains rights and fundamental freedoms that constitute the foundation of human society and guarantee human life and dignity away from all forms of discrimination against those who live in its land: Kuwaiti citizens enjoy the care and attention of the state throughout all stages of life and according to their needs and requirements. It is a quality that has made Kuwait attractive to people searching for livelihood and a dignified life.

The constitutional articles and laws contained in this publication are shown to be in harmony with international treaties related to human rights. Some discrepancies do exist because of the nature of Kuwait -- be it religious, cultural, social, or political – but despite this, the state has not deviated from the essence of these treaties. If some aspects of the publication require more explanation and further detail, they will receive the necessary attention in later publications to be issued as part of the project and within a set timeframe. The purpose of this publication is to provide a general and condensed description of the bases and foundations of human rights in the State of Kuwait while detailed presentations will follow in future publications. The end product will be a series of booklets that cover every aspect of human rights in the State of Kuwait, including the practical applied dimensions of their foundations.
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