



International Covenant on Civil and Political Rights

Distr.: General
16 December 2010

Original: English

Human Rights Committee

Hundredth session

Geneva, 11-29 October 2010

List of issues to be taken up in connection with the consideration of the second periodic report of Kuwait (CCPR/C/KWT/2)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts? If so, please provide details on all cases in which this was done and with what results. Please provide information as to whether the State party plans to withdraw the interpretative declaration regarding article 2, paragraph 1 and article 3 of the Covenant, as per the Committee's previous recommendation. Please also elaborate upon the rationale behind this declaration and explain, in practical terms, the impact of this declaration on the enjoyment of the rights concerned.
2. Please indicate whether the State party envisages establishing a national human rights institution with a broad human rights mandate, in conformity with the Paris Principles.

Non-discrimination and equal rights of men and women (arts. 2, para. 1; 3; 16 and 26)

3. Please clarify whether legislative steps are foreseen to (a) criminalize marital rape; (b) prohibit domestic violence; (c) prohibit polygamy and (d) define honour crimes in the Penal Code as a felony instead of a misdemeanour. Please also indicate (a) the number of safe shelters and hotlines available for victims of domestic violence; and (b) the number of complaints of domestic violence filed on a yearly basis since 2005, the number of arrests made, and sanctions imposed in the case of convictions.
4. Please provide information on the extent to which women and men enjoy different rights to property, including inheritance and low-interest housing loans, and reasons for this treatment. In particular, why are women not eligible for low-interest housing loans, why do women lose their claim to homes purchased with such loans upon divorce and why are single mothers able to claim a rent subsidy only if they intend not to remarry? Please clarify

the current status of the draft law on the civil rights of women and elaborate upon its contents.

5. Please clarify the restriction in the Constitution for non-citizens to own property, as mentioned in paragraph 63 of the periodic report, and the provisions' compliance with articles 2 and 16 of the Covenant.

6. Please provide information on the application of article 193 of the Penal Code criminalizing consensual homosexual conduct, the number of arrests made and sentences passed. Are legislative amendments foreseen to decriminalize homosexual behaviour? Also provide information on the application of article 198 of the Penal Code, criminalizing "imitating the appearance of a member of the opposite sex". Have investigations been conducted since 2007 with regard to allegations of harassment and maltreatment of lesbian, gay, bisexual and transgender people (LGBT) by law enforcement officials? Have any cases led to prosecution and sanctions for the authors of such actions?

7. Please clarify whether amendments to the Nationality Law are foreseen so that the Bedoons (defined as "illegal residents" in the second periodic report), including their children, can fully enjoy their civil rights, including the right to a nationality. Please clarify whether the issuance and renewal of identity cards of the Bedoons is accompanied by requests for them to sign affidavits renouncing any claim to Kuwaiti nationality, and elaborate upon the consequences of a refusal to sign such a waiver. Can members of the Bedoons officially register the birth of a child, a marriage or a death? Please provide information on all Court rulings in favour of members of the Bedoons regarding the issuance of birth and marriage certificates, and clarify whether these rulings have been implemented. Please also provide information on the basis for differential treatment of the Bedoons in respect of access to health care, employment and education.

Right to life (art.6)

8. Please indicate whether the State party intends to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and amend the Criminal Code, with the aim to abolish the death penalty.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9, 10, 12 and 13)

9. Please provide information on (a) the number of cases of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials that have been investigated by the Office of the Public Prosecutor since 2005; (b) the outcome of these investigations and the action taken against those found guilty; and (c) the measures taken for the rehabilitation and compensation offered to victims. Has a system been established for regular and independent monitoring of places of detention? Please specify what measures have been taken to address the problem of overcrowding and lack of health care at detention centres and police stations. Is human rights training, covering the topics of prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, a standard component of curricula in the training of law enforcement, prison and judicial officials?

10. In light of the Committee's previous recommendation, please explain why the maximum length of police custody before a detained person is brought before a judge has not been reduced to 48 hours from the current period of four days. Please also clarify whether detained persons have immediate access to counsel and contact with their families.

How many persons are held in pretrial detention and what is the average length of pretrial detention?

11. How many persons have been condemned by military tribunals in 1991, and how many of those are still detained despite having finished serving their sentences? Will those cases be re-examined by an independent body?

12. In light of the Committee's previous recommendation, please provide information on the number of persons that are in detention awaiting deportation and how the State party ensures their rights enumerated in articles 9, 10, 12 and 13 of the Covenant.

Elimination of slavery and servitude (art. 8)

13. Please clarify whether the illegal exaction of forced or compulsory labour is defined as an offence in the Criminal Code. Please provide information on the number of persons that serve sentences of hard labour, as regulated in article 25 of Law No.26 of 1962.

14. Please provide information as to whether the State party envisages ending the sponsorship system. What steps have been taken to prevent the confiscation of passports of migrant domestic workers by their employers and the extension of labour contracts against the will of the migrant domestic worker, as well as to enforce the limits to wage deductions for debt?

15. Please provide information on legal measures and practical steps taken to protect migrant domestic workers from abusive situations at their workplace? Please also provide information on the availability and accessibility of shelters for migrant domestic workers who have fled abuse at their workplace, as well as on the number of prosecutions carried out since 2005 against abusive employers and on the sentences passed in those cases.

16. Please clarify whether the law explicitly prohibits trafficking in persons and provide detailed information on the number of trafficking victims that have been detained, prosecuted or deported since 2005 for acts such as prostitution or absconding.

Right to a fair trial (art. 14)

17. How is the independence and tenure of the judiciary ensured, taking into account that the Emir personally appoints judges, that the appointment of judicial personnel must be approved by the Government, and that many judges have renewable employment contracts of one to three years? Please also clarify as to whether stateless persons have access to the court system to bring a claim.

18. Please explain how the provision that in family courts the testimony of one man is equal to that of two women is compatible with article 14 of the Covenant.

Freedom of religion and belief (art.18)

19. Please comment on reports that a draft law on obligatory military service will be tabled in Parliament in October 2010 and, if so, clarify whether the draft envisages arrangements for conscientious objectors to military service to perform alternative service of a purely civilian nature and of equal duration as the military service.

20. How many non-Muslims have converted to Islam since 2005 in order to be naturalized, as required by law? Please also provide information as to whether conversion from Islam to another religion may result in the loss of Kuwaiti nationality.

21. Please provide detailed information as to how many non-Muslim places of worship are licensed to operate. Please also provide a list of officially recognized religious institutions.

22. Please provide information as to whether non-Muslim pupils are obliged to attend classes where Islam is taught. Please also provide information as to whether non-Islamic religious education is allowed in public or private schools.

Freedom of opinion and expression (art. 19)

23. In light of the Committee's previous recommendation, please provide information on the number of cases of defamation brought against individuals for expressing an opinion which was deemed to be disrespectful of Islam, the Emir, the Crown Prince, or high-ranking government officials. Also indicate the charges brought in each case, the activity that gave rise to the charges, the outcome of each case, and the sentences pronounced in the case of convictions. Please provide information on the number of cases of defamation brought against journalists since the reform of the Press and Publication Law in 2006, the charges brought in each case, either under this Law or the Criminal Code, and the sentences pronounced in the case of convictions.

24. Please provide information on the censorship of Internet communications and web sites. How does the State party ensure that monitoring of Internet use, for the purpose of detecting communications that are defamatory or threaten national security, does not violate the rights to freedom of expression and privacy? In case of a violation of these rights resulting from Internet monitoring and/or censorship, what remedies, if any, are available to the individual affected?

25. Please clarify why legislation prohibits the publication of material criticizing, inter alia, the neutrality of the courts or the public prosecutor's office. Also indicate whether cases have been brought under this legislation, the charges brought in each case, and the sentences pronounced in the case of convictions.

Freedom of assembly and association (arts. 21 and 22)

26. Please provide information as to whether Law No. 56 of 1979 on public assemblies and gatherings has been replaced by a new law, following the ruling of the Constitutional Court on the Law's unconstitutionality, and provide detailed information on the contents of such new legislation.

27. Please provide information on the amendments to Law No. 24 of 1962 by Law No.14 of 1994, as mentioned in paragraph 171 of the periodic report, especially in light of the Committee's previous recommendation in this matter.

28. Please clarify whether non-national workers can fully exercise the right to join trade unions.

29. Please give details on the reportedly 149 NGOs that are awaiting licensing by the Ministry of Social Affairs and Labor, and the reason why they have not been issued with licenses yet. Is there a judicial mechanism in place to review decisions not to issue a license to NGOs? Please also clarify why NGOs are required to obtain permission from the Ministry of Social Affairs and Labor in order to attend conferences as official representatives of a particular organization?

30. In light of the Committee's previous recommendation, please provide information on measures taken to ensure the right of Kuwaitis to establish political parties. Why has the

State party not recognized any political parties or allowed their formation for any of the past three elections?

Freedom of movement, marriage, family and measures for the protection of minors (arts. 7, 12, 23 and 24)

31. Please provide information as to whether the legal age of marriage for women will be raised to that for men. Please also provide information on measures taken to prevent girl children under the age of 15 from marrying.

32. Are legislative amendments foreseen to enable Kuwaiti women married to non-citizens to pass their nationality on to their children and spouse? Please provide detailed information on the differences between the Code of Personal Status and the Covenant rights in all matters pertaining to marriage and divorce.

33. Please provide information on the legality of corporal punishment of children as a method of discipline in all settings, including in the home, schools, penal institutions, and alternative childcare system.

34. Please indicate how the State party ensures that migrant domestic workers whose passports have been confiscated by their sponsor can exercise their right to freedom of movement, including the right to leave the country.

Rights of persons belonging to minorities (art. 27)

35. Please provide information on which “factions and ethnic groups” have been issued with permits since 2005 for celebrations and gatherings, as mentioned in the periodic report. Please also provide information on measures that have been taken to ensure that members of ethnic groups can enjoy the right to their own culture, to practice their own religion and use their own language?

Dissemination of information relating to the Covenant and the Optional Protocol

36. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the periodic report of the State party, its examination by the Committee and the Committee’s previous concluding observations. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and national human rights institutions in the preparatory process for the report.