



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the State of Kuwait and welcome the constructive engagement of your Government during the 35<sup>th</sup> session of the UPR Working Group in January 2020.

As the final outcome report on the review of Kuwait was adopted by the Human Rights Council at its 44<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Kuwait – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 122 delegations and the presentation made and responses provided by the delegation of Kuwait. I have also considered the actions taken by the Government of Kuwait to implement the 178 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I would like to highlight encouraging steps taken by the Government of Kuwait, including the ratification of the Convention on the Rights of Persons with Disabilities in 2013; the development of the Kuwaiti National Development Plan 2015–2020 that set targets for the elimination of all forms of discrimination against women; and the establishment of a political incubator at Kuwait University to promote women's participation in the political field.

I welcome the adoption of measures to protect the rights of persons with disabilities and improve the status of illegal residents and foreign workers as well as steps taken to combat human trafficking. I also wish to commend the government's efforts in providing humanitarian assistance to those most in need around the world.

I encourage Kuwait to continue implementing the Kuwaiti National Development Plan 2015–2020 effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular all the civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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His Excellency  
Sheikh / Dr. Ahmad Nasser Al-Mohammed Al-Ahmed Al-Jaber AL-SABAH  
Minister of Foreign Affairs  
State of Kuwait



I also encourage Kuwait to continue to strengthen its standing committee for preparing and drafting the reports of Kuwait to international human rights bodies - under the guise of the Ministry of Foreign Affairs - for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Kuwait to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Kuwait in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: Her Excellency  
Ms. Mariam ALAQEEL  
Minister of Finance, Minister of State for Economic Affairs  
State of Kuwait

Mr. Tarek EL-SHEIKH  
United Nations Resident Coordinator  
State of Kuwait



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the core United Nations human rights treaties to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the two Optional Protocols to the International Covenant on Civil and Political Rights; the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, to the Convention on the Elimination of Discrimination against Women and to the Convention on the Rights of Persons with Disabilities; the Rome Statute of the International Criminal Court; the Convention relating to the Status of Refugees and its Protocol; the Convention relating to the Status of Stateless Persons; and the Convention on the Reduction of Statelessness.

### **National human rights framework**

- Finalizing the establishment of the national human rights institution in line with the Paris Principles.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Continuing to take initiatives aimed at protecting vulnerable groups.

##### *Development, the environment, and business and human rights*

- Intensifying efforts to protect the environment.
- Promoting sustainable economic and social development within the framework of the Kuwait Vision 2035.

##### *Human rights and counter-terrorism*

- Promoting regional and international cooperation in combating terrorism while respecting human rights.
- Legislating absolute prohibition of torture in anti-terrorism operations.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Adopting the necessary measures to ensure that acts of torture are criminalized and punishable by penalties proportional to the seriousness of the crime, in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



*Administration of justice, including impunity, and the rule of law*

- Strengthening the independence of the judiciary in line with the UN Basic Principles on the Independence of the Judiciary.
- Ensuring the effectiveness of the administration of justice in line with those principles.

*Fundamental freedoms*

- Repealing legislation that does not comply with article 19 of the International Covenant on Civil and Political Rights.
- Guaranteeing the right to freedom of expression and association for all people, including journalists, activists and human rights defenders.
- Amending laws restricting the rights to association, peaceful assembly and freedom of expression, both online and offline.

*Prohibition of all forms of slavery*

- Providing additional greater resources to awareness-raising programs for foreign contract workers on their rights and duties as well as the laws and customs of Kuwait.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Establishing a mechanism to protect the rights of domestic workers.
- Ensuring all employers are aware of their obligations under Kuwaiti Law concerning domestic workers, including the prohibition to confiscate passports.

*Right to social security*

- Supporting social policies and increasing the number of their beneficiaries.
- Continuing to provide health care and social welfare services.
- Promoting further the global social protection scheme.

*Right to an adequate standard of living*

- Increasing efforts to promote economic development and raising the standard of living of the entire population of the country.

*Right to health*

- Consolidating measures to improve the legislation on the right to health and guaranteeing universal access to health care services.

*Right to education*

- Continuing to increase investment in education globally.



- Ensuring equal access to inclusive and quality education for all children regardless of their social and legal status.
- Intensifying efforts to ensure accessible education for persons with special needs as well as inclusive education for children with disabilities.

#### **D. Rights of specific persons or groups**

##### *Women*

- Ensuring the full implementation of the Convention on the Elimination of all Forms of Discrimination against Women.
- Promoting equality between men and women and guaranteeing women's equality in matters of divorce and inheritance.
- Implementing policies and programs for combating all forms of domestic violence against women and defining domestic violence as crimes and applying punishments proportional to the gravity of the offence.
- Closing the gender gap in leadership positions, including in the judiciary, and working towards the increase of the representation of women in leadership and in decision-making positions.

##### *Children*

- Implementing legislative and judicial administrative measures to guarantee the welfare and rights of all children, boys and girls.
- Adopting a national work plan on the rights of children in the juvenile justice system.

##### *Persons with disabilities*

- Thoroughly implementing the Convention on the Rights of Persons with Disabilities.
- Intensifying efforts and continuing legislative and legal measures in the promotion and protection of the rights of persons with disabilities.

##### *Migrants*

- Implementing fully the legislative framework ensuring the protection of migrant workers.
- Continuing efforts to protect the rights of migrants.
- Taking effective measures to improve the conditions of migrant workers, in particular domestic ones.

##### *Stateless persons*

- Ensuring the rights of stateless individuals, including the Bidoon population, are protected.
- Increasing efforts to address cases of statelessness, providing the right to acquire nationality when necessary, in particular for the Bidoon population.



- Providing legal documentation and basic services to all stateless persons, including the Bidoon population.
- Ensuring equal access to education, healthcare and employment for the Bidoon population.