



Mission permanente de l'Etat du Koweït
auprès de l'Office des Nations Unies
Genève

الوفد الدائم لدولة الكويت
لدى الامم المتحدة
جنيف



STATEMENT

by

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of the State of Kuwait

to

**The 46th Session of the Committee against
Torture**

Geneva

11 May 2011

Mr. Chairman of the Committee against Torture,
Members of the Committee,
Ladies and Gentlemen,

It is my honour and that of the Kuwaiti delegation to express our deepest gratitude and appreciation for your relentless efforts and constructive cooperation and goodwill. It is our hope that we shall all benefit from this good work. We are no less grateful for this opportunity to present the second review of the Report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the Committee's 46th session.

Mr. Chairman,

The State of Kuwait has always paid special attention to human development, has sought to ensure the respect and protection of human rights, has followed all the procedures and has taken all the necessary measures in this respect.

Kuwait's Legal System comprises numerous rules and articles ensuring its commitment to acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, under Law No: 1 of 1996. This has become part of the National Legal System, and compelling all

authorities to abide by it.

Based on our clement Islamic *Shariah* which provides protection for human dignity, as well as through respect and commitment to the Universal Declaration of Human Rights, the Kuwaiti Constitution stresses in many of its articles the importance of combating torture, namely in Article 31 which states 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 to degrading treatment*”.

Article 34 of the Constitution states as well 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 56 of Kuwaiti Penal Code (amended in 1970) punishes any officer or anyone under his command who abuses his official authority by treating people in a harsh, dishonourable or physically painful manner. Article 53 considered it a felony for any public official who induces an accused person to confess through torture.

Mr. Chairman,

The State of Kuwait has gone beyond issuing legislation against torture and other cruel, inhuman or degrading treatment or punishment and has taken many measures and proceeded to contribute in combating torture and abuse of authority.

For example, competent authorities exercise utmost care and caution and have set stringent requirements to ensure that the best candidates are recruited in the field of law enforcement. These candidates are then trained to ensure respect and promotion of human rights. In this respect, we have lately cooperated with the Office of the High Commissioner for Human Rights to draft a training programme for legal and police officers. The Kuwaiti Ministry of Interior has set up a special department to record public complaints. This department follows up on grievances or abuse of authority filed against any officer working at the Ministry of Interior. Complaints are then investigated and appropriate action is taken against culprits. Administrative guidelines are routinely issued to government officers urging them to serve the public well and pointing out the pitfalls associated with their work.

As for prisoners and detained persons, there are rules organizing work in places of detention and arrest. These rules describe how the detainees should be treated, ensuring the respect of all their rights. They also state how supervisors could make sure they are applied. In this respect, Article 18 of Prisons Law forbids detaining any person in prison without a written order from the competent authority. No person is to be arrested for a period of

time exceeding that stipulated by the law. It is also forbidden to imprison a person in a dark cell and to segregate amongst inmates for any reason whatsoever. The general prosecutor supervises prisons and other detention centers where penal orders are implemented.

Besides this firm position undertaken by the State of Kuwait vis-à-vis persons who commit torture or other cruel, inhuman or degrading treatment or punishment, the State has paid particular attention to tackling the effects of crimes that have actually taken place. Temporary shelters have been set up to care for victims of such crimes, providing legal, medical and psychological services.

Mr. Chairman,

The State of Kuwait has also set up mechanisms and bodies to safeguard all human rights. The High Committee for Human Rights, headed by the Minister of Justice, has been tasked with providing counsel and perspectives to decision makers concerning all work matters, reviewing systems and laws with a view to proposing amendments. The Committee is also responsible for enhancing concrete awareness and promotion of human rights and providing training for special staff. The Committee comprises three technical committees; chief amongst them is the International Liaison Committee.

The legislative authorities have also taken upon themselves to supervise the State's bodies to ensure the full implementation of legislations, especially those related to human rights. The committees concerned within the Kuwaiti National Assembly

pay regular visits to detention centers and prisons to ascertain that the law is applied.

Mr. Chairman,

The State of Kuwait has made long strides in the field of combating torture and other cruel, inhuman or degrading treatment or punishment in a very short period of time. Laws on Persons with Disabilities, on Aged Persons' Welfare, stipulate that those responsible for such care are brought to justice in case of transgression or negligence.

When presenting its National Report to the 8th Session of the Universal Period Review at the Human Rights Council in May 2008, the State of Kuwait committed itself to setting up a national institution for the protection of human rights in line with the Paris Principles to consolidate human rights and freedoms in Kuwait. The State of Kuwait is aware that there are still many obstacles and challenges ahead but is nonetheless committed, as an active member of the International Community, to abide faithfully and genuinely by its responsibilities and shall continue to assess its efforts in this respect and overcome any shortcomings therein.

Lastly, we welcome any questions and observations regarding the report in front of you. We are fully ready to answer all your queries and listen to your observations and opinions to further enhance and promote human rights and combating torture in particular.

Thank you.