



12 November 2012.

Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to the examination of the second periodic report of Kuwait at the Committee's 103rd session, held in October - November 2011.

At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission. You may recall that, in paragraph 33 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 18, 19 and 25 of the concluding observations.

Follow-up information on the referred paragraphs was received on 27 April 2012, and was analysed at the 106th session of the Committee.

While taking note of the high level of collaboration of the State party, the Committee considered that the recommendation contained in paragraph 18 has not been implemented, and that additional information is necessary on the measures adopted by the general authority established under law No. 6/2010 "to overcome the negative aspects of the sponsorship system" since the adoption of the referred concluding observations, and on its competency with regard to domestic workers. The Committee also considered necessary to request additional information on the human and financial resources of the referred general authority so that it can effectively carry out its functions.

With regard to paragraph 19, the Committee decided to request complementary information on the steps taken for the adoption of the bill referred to in the State party's follow-up report, which amends article 60, paragraph 2, of the Code of Criminal Procedure (Act No. 17/1960) so as to reduce the length of police custody to 24 hours instead of the 4-day period, and article 69 of the Code so as to reduce the term of pre-trial detention from 3 to 1 weeks. The Committee also considered that no information was provided on the measures taken to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. Information on that issue therefore remains necessary.

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On paragraph 25, the Committee considered that no information was provided and that the recommendation had therefore not been implemented. Taking into account the comment of the State party according to which the issue of restrictions on freedom of expression “does not fall within the purview of the Ministry of the Interior”, the Committee recalls paragraph 4 of its General Comment No. 31 (CCPR/C/21/Rev.1/Add.13):

“The obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local – are in a position to engage the responsibility of the State Party. The executive branch that usually represents the State Party internationally, including before the Committee, may not point to the fact that an action incompatible with the provisions of the Covenant was carried out by another branch of government as a means of seeking to relieve the State Party from responsibility for the action and consequent incompatibility. This understanding flows directly from the principle contained in article 27 of the Vienna Convention on the Law of Treaties, according to which a State Party ‘may not invoke the provisions of its internal law as justification for its failure to perform a treaty’”.

Therefore, I write to request that the above-mentioned additional information be submitted to the Committee by 15 March 2013. The reply should be sent in a **Word electronic version** to the Secretariat of the Human Rights Committee (Kate Fox (kfox@ohchr.org) and Albane Prophette-Pallasco (aprophette@ohchr.org)).

The Committee looks forward to pursuing its constructive dialogue with the authorities of Kuwait on the implementation of the Covenant.

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


Christine Chanet
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Human Rights Committee