



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

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REFERENCE: CAT/Follow-up

23 October 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the third periodic report of Kuwait, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 58th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/KWT/CO/3 and Corr.1 & 2, para. 46) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 14 (a), 23 and 27 (a) and 31 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 2 May 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/KWT/CO/3/Add.1) and to make the following comments:

Torture and ill-treatment (para. 14 (a))

The Committee appreciates the extensive information provided by the State party on the legal framework and practice with regard to policing activities. It also notes the State party's assertion that media statements by officials, either on a specific case or in the context of a security programme, "always condemn any behaviour that involves harm to human rights or ill-treatment of the public, including torture, and indicate the measures taken against such acts to bring persons at fault to account or to refer them to the courts, as the case may be". In this regard, the Committee considers that further efforts are needed by the State party to unambiguously reaffirm the absolute prohibition of torture and ill-treatment (2/B1).

.../...

H. E. Mr. Jamal M.I. Alghunaim
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Conditions of detention (para. 23)

The Committee takes note of the extensive information provided by the State party on the measures taken to reduce overcrowding and improve material conditions in detention centres, as well as the State party's assurances that juveniles are held separately from adult detainees and that imprisoned women and girls are guarded by female military personnel. While appreciating the information submitted on the coordination between the Ministry of the Interior and the different international and domestic monitoring bodies, the Committee notes with concern that the follow-up replies do not clarify whether these institutions and organizations are allowed to carry out regular unannounced visits to all places of detention and to meet in private with detained persons. The Committee also notes with concern that the State party has not yet established a fully independent complaints mechanism which the persons deprived of their liberty could access confidentially. Lastly, it regrets that the transfer of the administration of prisons from the Ministry of the Interior to the Ministry of Justice has not been envisaged to date (2/B2).

Imposition of the death penalty (para. 27 (a))

While taking note of the explanations provided by the State party regarding the imposition and use of the death penalty, the Committee remains concerned at the large number of offences for which capital punishment is imposed, including drug-related crimes, which cannot be characterized as the most serious offences (3/C).

Foreign workers (para. 31)

While taking note of the information provided by the State party regarding the contents of a draft law allowing domestic workers to change employers under circumstances defined by the director of the Directorate for Residence Affairs and without the consent of the original employer, the Committee observes with concern that the sponsorship system has not yet been reformed, as recommended by this Committee (3/B1).

Implementation plans (para. 46)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some of all of the remaining recommendations included in its concluding observations (C).

The Government of Kuwait is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Kuwait.



The Committee looks forward to a continued constructive dialogue with the authorities of Kuwait on the implementation of the Convention

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture