



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations on the third periodic report of Kuwait\*

1. The Committee against Torture considered the third periodic report of Kuwait (CAT/C/KWT/3) at its 1433rd and 1435th meetings (see CAT/C/SR.1433 and 1435), held on 25 and 26 July 2016, and adopted the present concluding observations at its 1451st and 1453rd meetings, held on 8 and 9 August 2016.

#### A. Introduction

2. The Committee appreciates the report submitted by the State party at the date on which it was due and in accordance with the simplified reporting procedure. It welcomes the dialogue with the State party's delegation, the information on new legal developments provided in the introductory statement of the head of the delegation and the oral replies provided.

#### B. Positive aspects

3. The Committee notes the accession by the State party to the Convention on the Rights of Persons with Disabilities, on 22 August 2013.

4. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

(a) The adoption of Act No. 3 amending the Code of Criminal Procedure enshrined in Act No. 17 of 1960, relating, inter alia, to remand in custody and the enjoyment of fundamental legal safeguards by persons deprived of their liberty, in 2012;

(b) The adoption of Act No. 109 providing for the establishment of the Public Authority for Manpower, in 2013;

(c) The adoption of the Trafficking in Persons and Smuggling of Migrants Act No. 91, in 2013;

\* Adopted by the Committee at its fifty-eighth session (25 July-12 August 2016).



(d) The adoption of the Domestic Workers Act No. 68 giving domestic workers enforceable labour rights, in 2015;

(e) The adoption of Act No. 67 on the establishment of a national human rights institution (Diwan Huquq Al Insan), in 2015;

(f) The adoption of the Rights of the Child Act No. 21, which provides, *inter alia*, for the protection of children from violence, abuse, neglect and exploitation, in 2015.

5. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including:

(a) Issuance of the Council of Ministers decision No. 409 regarding civil, social and humanitarian benefits accorded to the Kuwaiti biduns, referred to as “illegal residents” in the State party’s report, in 2011;

(b) Issuance of ministerial decision No. 201/Ain, under which forced labour is criminalized, in 2011;

(c) Establishment by ministerial decree No. 116 of the Supreme National Committee under the chairmanship of the Deputy Minister of Health to lay the foundations and plans required to protect children from ill-treatment and neglect, in 2013;

(d) Establishment of a large-capacity shelter for domestic workers who flee abusive employers, in 2014;

(e) Promulgation of ministerial decision No. 127 on the recommendation of the Supreme National Committee, which prescribes the establishment of a mechanism for reporting suspected cases of child abuse and neglect, in 2014;

(f) Establishment of the Department of Community Policing under the Ministry of the Interior.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

6. The Committee regrets the absence of information requested by the Committee on follow-up issues contained in paragraphs 10, 11 and 17 of its previous concluding observations with regard to, respectively:

(a) The establishment of an independent complaint mechanism for investigation into allegations of torture;

(b) The number of complaints filed against public officials on torture and ill-treatment and the outcome of related proceedings;

(c) Questions concerning the application of the death penalty.

### Definition and criminalization of torture

7. The Committee remains concerned at the continued absence in the Criminal Code of the State party of a distinct crime of torture based on the definition in article 1 of the Convention, including its mental and psychological aspects. It is concerned that torture is still considered as a misdemeanour, offence or common assault in domestic penal legislation and that the current maximum penalty for torture is only five years and is therefore not commensurate with the gravity of this crime (arts. 1 and 4).

8. **The Committee reiterates its previous recommendation (see A/53/44, para. 230, and CAT/C/KWT/CO/2, para. 7) that the crime of torture, which includes all elements**

contained in article 1 of the Convention, including its mental and psychological aspects, should be incorporated into the penal domestic law as a distinct crime. It draws the State party's attention to paragraph 11 of its general comment No. 2 (2007) on the implementation of article 2 by States parties, which underscores the preventive effect of having the crime of torture defined as an offence in its own right.

9. The State party should revise its national legislation to ensure that acts of torture are offences under criminal law and that they are punishable by penalties commensurate with the gravity of this crime, as required by article 4 (2) of the Convention and promised by its delegation during the consideration of the previous report of Kuwait in May 2011 (see CAT/C/SR.989, paras. 7 and 68).

#### **Fundamental legal safeguards**

10. The Committee is concerned that detained persons do not enjoy, in practice, all the fundamental legal safeguards from the very outset of their deprivation of liberty, in particular after being arrested by the police. It is also concerned at reports that contacting a lawyer and contacting a family member may be mutually exclusive (art. 2 (1)). The Committee is also concerned at the absence of information about measures to guarantee, in Kuwait, the absolute prohibition of torture in all its legal and other provisions against terrorism, including the new draft law on terrorism offences, in conformity with article 2 (2 and 3) of the Convention.

11. **The State party should take effective measures to guarantee that all detained persons are afforded in practice all the fundamental legal safeguards from the outset of their deprivation of liberty, in accordance with international standards, including:**

- (a) **To be informed about the charges against them and about their rights, both orally and in writing, in a language that they understand, and to sign a paper confirming that they have understood the information provided to them;**
- (b) **To have their detention recorded in a register immediately after arrest;**
- (c) **To notify a family member or any other person of their own choice of their detention immediately after apprehension and, in parallel, to be able to contact a lawyer without the permission of the investigator and before seeing a judge;**
- (d) **To have immediate access to an independent medical examination, free of charge or by a doctor of their own choice at their own charge, and to have the doctor's findings brought to the attention of the competent authority.**

12. **In addition, the State party should include in its legal and other provisions against terrorism a clear statement that torture is absolutely prohibited in all circumstances and cannot be invoked as a justification of a superior order.**

#### **Torture and ill-treatment**

13. The Committee is concerned at consistent reports of torture and ill-treatment, in particular during prolonged detention of persons by the police and security forces, in response to terrorist activities, as well as in relation to peaceful protests by human rights defenders and members of minorities. It is further concerned that such practices are often not sufficiently investigated or sanctioned by relevant authorities (arts. 12 and 16).

14. **The State party should:**

- (a) **Publicly condemn the use of torture and ill-treatment with the clear message by the highest State authority that it will not be tolerated and that those responsible will be held to account;**

(b) Carry out prompt, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, including the excessive use of force, by police and security officers, ensure that those suspected of committing such acts are immediately suspended from their duties for the duration of the investigation and, if charged and found guilty, are criminally prosecuted;

(c) Ensure that peaceful demonstrations are not repressed by unnecessary excessive use of force and even detention.

#### **Reporting acts of torture and witness protection**

15. The Committee is concerned at consistent reports that victims of and witnesses to torture have been reluctant to report cases out of fear of harassment and reprisals from the perpetrators and lack of protection and even administrative deportation in the case of foreign residents. It is also concerned at the reluctance of medical personnel who examine the victims to indicate findings of torture on their medical certificate for fear of intimidation or reprisals. It is further concerned that the doctors in the Forensic Division are part of the General Department of Criminal Evidence, which is under the Ministry of the Interior, and at their reportedly superficial and summary medical examinations. Finally, it is concerned that complaints relating to torture and ill-treatment perpetrated by the police and security forces are considered by the General Department of Monitoring and Inspection, part of the Ministry of the Interior, which therefore prevents an independent examination of such complaints (arts. 2, 12–14 and 16).

16. **The State party should:**

(a) Provide comprehensive information to victims of torture and their families regarding the laws available to them to lodge a complaint, and guarantee their protection and the protection of witnesses;

(b) Ensure adequate protection of health professionals documenting torture and ill-treatment from intimidation, retaliation and other forms of reprisals, including by ensuring that they are not hierarchically subordinated to the head of the detention facility or other security organs;

(c) Ensure that independent health professionals outside the Forensic Division are able to examine victims promptly and to maintain the confidentiality of medical records;

(d) Ensure the independence of the General Department of Criminal Evidence and the Forensic Division by removing these institutions from supervision by the Ministry of the Interior;

(e) Ensure that complaints about torture are made to an independent body and not to persons who are within the same organization as the alleged perpetrators of such acts.

#### **Arrest and pretrial detention**

17. The Committee is concerned at information concerning a proposed amendment that would have been submitted to the National Assembly on 3 July 2016, at the request of the Minister of the Interior, reversing the amendment made to article 60 of the Code of Criminal Procedure in Act No. 3 of 2012, which reduced the initial period of arrested persons in police custody from four days before being brought before a judge to 48 hours. It is concerned that arrested persons could be held in police custody for up to 10 days upon a written order of the investigator before being presented before a judge.

18. The Committee is also concerned at consistent reports that some pretrial detainees have not been brought before a judge for more than six months (art. 2).

19. **The State party should ensure that persons who are arrested on criminal charges are brought before a judge within 48 hours, as provided for in Act No. 3 of 2012 amending article 60 of the Code of Criminal Procedure. Furthermore, it should consider alternatives to imprisonment, in keeping with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Finally, it should guarantee in practice that all pretrial detainees are brought before a judge within a reasonable period of time.**

#### **Coerced confessions**

20. The Committee is concerned at consistent reports of a widespread practice by police officers of extracting confessions under both physical and psychological torture, as well as ill-treatment in police stations and investigation centres, including the General Department of Criminal Investigation, the Drug Enforcement Administration and the State Security Agency, in violation of article 159 of the Criminal Code. It is further concerned that coerced confessions have been accepted by courts even after medical examinations have confirmed signs of torture and that courts have refused in practice requests for independent medical examinations from the alleged victims (art. 15).

21. **The State party should:**

(a) **Take immediate and effective measures to guarantee that coerced confessions are inadmissible in any proceedings, except when invoked against a person accused of torture;**

(b) **Review cases of convictions based solely on confessions, since many of these may have been based on statements obtained through torture or ill-treatment and, as appropriate, conduct prompt and impartial investigations and take appropriate remedial measures;**

(c) **Ensure that persons convicted on the basis of coerced confessions that resulted from torture and ill-treatment are afforded a new and fair trial and adequate redress;**

(d) **Ensure that law enforcement officials, investigators, judges, prosecutors, lawyers, doctors and any other staff who work with detainees receive training on how to detect and investigate cases in which confessions are obtained under torture in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(e) **Ensure that officials who extract such confessions, including persons liable under the principle of command responsibility, are brought to justice, prosecuted and punished accordingly;**

(f) **Provide the Committee with information on the results of the review to be made under (b) above and whether any officials have been prosecuted and punished for extracting such confessions.**

#### **Conditions of detention**

22. The Committee is concerned at consistent reports that certain places of deprivation of liberty, including the so-called “Talha” Centre for Deportation and the Central Prison Complex near Kuwait City, have poor material conditions, such as inadequate sanitation and medical care, insufficient ventilation and daylight, a lack of the possibility to exercise

and dilapidated and old infrastructure, and that certain detention facilities are overcrowded. It is also concerned at reports that minors are not separated from adults in police stations and that male guards in police stations may be guarding female detainees after their arrest. The Committee is also concerned at the provisions in article 48 of the Criminal Code that stipulate that detainees who face the death penalty should not mix with other detainees, which could give rise to cell isolation practices, including solitary confinement, that violate the provisions of the Convention (arts. 2, 11 and 16)

**23. The State party should:**

(a) **Take urgent measures to improve the material conditions in all places where persons are deprived of their liberty and reduce overcrowding with a view to ensuring full compliance with international standards enshrined in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(b) **Ensure that minors are not held with adults in police stations and that arrested women and girls are guarded only by female guards in all places of detention, including police stations;**

(c) **Ensure that detainees facing the death penalty are not subjected to solitary confinement and isolation and inform the Committee about specific detention conditions that are imposed on those prisoners, ensuring that they are in line with the Nelson Mandela Rules;**

(d) **Ensure that detained persons can complain about their conditions of detention to an independent complaints mechanism;**

(e) **Ensure that independent international and domestic bodies, including the Diwan (the national human rights institution), carry out unannounced visits to all places where persons are deprived of their liberty and ensure that their reports and recommendations are adequately followed up by the relevant authorities;**

(f) **Place the penitentiary system under the authority of the Ministry of Justice instead of the Ministry of the Interior.**

**Punishments in places of detention**

24. While taking note of the remarks made by the delegation of the State party, the Committee is concerned at reports that the Prisons Act provides for disciplinary measures for misconduct of prisoners, such as the use of iron rods for handcuffing or binding of feet “for no more than a month”, which constitute violations of the Convention. It is also concerned at the reported existence of extremely small disciplinary cells, some of which were previously used as toilets (arts. 2 and 16).

**25. The State party should amend article 58 of the Prison Act of 1962 in order to put an immediate end to all disciplinary measures in which restraints to movement may amount to torture or ill-treatment of prisoners.**

**Imposition of the death penalty**

26. The Committee is concerned at the interruption of the de facto moratorium on the application of the death penalty that was in force since 2007, and at the execution of nine persons since 2011. It remains concerned at the exceedingly large number of offences for which the death penalty is imposed, such as those relating to perjury or “forced perjury” and drug-related crimes, which do not meet the threshold of most serious crimes (arts. 2 and 16).

**27. The State party should:**

(a) As a matter of urgency, reinstate a de facto moratorium on the application of the death penalty;

(b) Follow the current international trend and consider revising its legislation with a view to abolishing the death penalty and commuting death sentences to prison sentences. The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 17) that the State party consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

#### **Domestic and gender-based violence**

28. The Committee is concerned that domestic violence, including sexual violence and marital rape, does not constitute a specific crime in the Criminal Code. It is also concerned that, despite numerous and consistent reports of violence against women, the number of cases reported through existing mechanisms to the relevant authorities remains very low. The Committee is also concerned at the mitigating circumstances and exculpatory provisions set out in article 197 of the Criminal Code regarding so-called “honour” crimes when they are voluntarily carried out by a husband against his wife who has committed adultery and are extended to other male members of her family, while such mitigating circumstances are not granted to women. (arts. 2, 12–14 and 16).

#### **29. The Committee:**

(a) Reiterates its recommendation (see CAT/C/KWT/CO/2, para. 23 (a)) that the State party enact, as a matter of urgency, legislation to prevent, combat and criminalize domestic and gender-based violence, including sexual violence and marital rape, as specific criminal offences in its Criminal Code, with appropriate sanctions;

(b) Encourages the State party to establish an effective and independent complaints mechanism for victims of domestic violence;

(c) Calls on the State party to ensure that all allegations of domestic violence, including sexual violence and marital rape, are registered by the police and are promptly, impartially, effectively and thoroughly investigated and the perpetrators prosecuted and punished;

(d) Invites the State party to annul or abrogate without further delay any mitigating and exculpatory provisions in the Criminal Code concerning so-called “honour” crimes and promptly take measures to end impunity for so-called “honour” crimes;

(e) Reiterates its previous recommendation (*ibid.*, para. 23 (b)) and urges the State party to carry out research and data collection on the extent of domestic violence, and provide the Committee with statistical data on complaints, prosecutions and sentences;

(f) Reiterates its previous recommendation (*ibid.*, para. 23 (c)) that the State party conduct broad awareness campaigns about the need to prevent and eradicate domestic and gender-based violence, including its causes, dimensions and measures to detect and prevent it, for officials, such as judges, law officers, law enforcement agents and welfare workers, who are in direct contact with victims, as well as for the population at large;

(g) Calls on the State party to ensure that victims of domestic and gender-based violence benefit from protection and have access to medical and legal services, including psychosocial counselling, and to redress, including rehabilitation, as well as to safe and adequately funded shelters and to a free permanent State-funded helpline.

### Foreign workers

30. While taking note of the adoption of the Domestic Workers Act No. 68 in 2015 and that a few persons have been prosecuted and found guilty in this connection, the Committee is concerned at:

(a) Reports of exploitation, ill-treatment and torture against individuals and other abuse of numerous foreign workers from various countries by their employers, in particular female domestic workers, who work under the sponsorship system and the legal provisions regulating it and which includes long working hours without rest, deprivation of food, threats, physical or sexual abuse, restriction of movement such as confinement to and kidnapping in the workplace, confiscation of passports and other personal documents and non-payment of wages, which may amount to forced labour and resemble slavery;

(b) The alleged inhuman conditions of some 4,000 workers from the Democratic People's Republic of Korea, who have allegedly been sent for forced labour on construction projects in the State party, working from 14 to 16 hours per day, receiving only 10 or 20 per cent of their salary and being in poor health due to a lack of adequate nutrition;

(c) The lack of mechanisms for foreign workers, in particular those who do not speak Arabic, to report cases of abuse;

(d) The low number of prosecutions of abusive employers and lack of redress and compensation provided to workers who have suffered abuse (art. 16).

31. **The State party should:**

(a) **Vigorously implement and enforce the Domestic Workers Act No. 68, by carrying out labour inspections, reporting and, if charges are warranted, promptly prosecuting cases of abuse by employers, and bring those responsible to justice;**

(b) **Urgently reform the sponsorship system to ensure that foreign workers, and in particular female domestic workers, are not subjected to the risk of abuses in violation of the Convention;**

(c) **Provide legal protection to foreign workers, including female domestic workers, against exploitation, ill-treatment and abuse;**

(d) **Ensure that foreign workers, and in particular female domestic workers, have access to a helpline in a language they understand and to shelters as well as the possibility to have access to justice, including to lodge complaints against those responsible and have access to justice;**

(e) **Provide redress to victims of abuse, including legal, medical and psychological aid, as well as rehabilitation and financial compensation;**

(f) **Provide updated information on foreign workers, including on their nationalities, whether regular inspections of their working conditions are conducted and whether their working conditions are humane. In addition, provide information on the workers from the Democratic People's Republic of Korea, the conditions in which they work, whether they are provided with adequate food and health care and whether they receive their full salary.**

### Trafficking in human beings

32. While welcoming the adoption of the Trafficking in Persons and Smuggling of Migrants Act No. 91 in 2013 and decision No. 1454 of the Council of Ministers to establish a national strategy to combat trafficking in persons, the Committee is concerned that the State party remains a destination for human trafficking for purposes of forced labour and



sexual exploitation. It is also concerned at the low number of sentences sanctioning perpetrators of acts of human trafficking (arts. 2, 10, 12–14 and 16).

33. **The State party should:**

(a) **Vigorously implement international and domestic anti-trafficking legislation, including by allocating sufficient funds and developing a national strategy to combat trafficking;**

(b) **Take effective measures to prevent and eradicate human trafficking, including by conducting national prevention campaigns about the criminal nature of such acts, and provide specialized training to public officials on identifying victims and on investigating, prosecuting and sanctioning perpetrators;**

(c) **Promptly, effectively and impartially investigate the crime of trafficking in persons and related practices; prosecute and punish perpetrators in accordance with the gravity of the crime;**

(d) **Increase the protection of and provide redress to victims of trafficking, including legal, medical and psychological aid and rehabilitation, as well as adequate shelters and assistance in reporting incidents of trafficking to the police, including by establishing a round-the-clock hotline for victims;**

(e) **Enhance international cooperation with regard to preventing and punishing trafficking, and prevent the return of trafficked persons to their countries of origin where there are substantial grounds to believe that they would be in danger of torture;**

(f) **Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down to perpetrators of human trafficking, and on the provision of effective redress to the victims. A description of sentences on the subject and their motivations would be particularly useful.**

#### **Non-refoulement**

34. While taking note that refoulement is prohibited under article 46 of the Constitution of the State party, the Committee is concerned at the absence of national laws and administrative regulations governing the status of asylum seekers and refugees, which may result in superficial and summary examinations of protection claims and lead to an arbitrary implementation of the prohibition of non-refoulement. It is concerned at the detention of persons awaiting repatriation or resettlement who lack a valid residence permit and the lack of information on whether the risks of torture in countries to which persons would be returned are sufficiently examined. It is particularly concerned at the practice of administrative deportations of persons if required in the public interest or if the public order is threatened, which are carried out without judicial supervision under the authority of the Ministry of the Interior and against which no recourse or appeal is available (arts. 2, 3, 11 and 16).

35. **The State party should:**

(a) **Ensure that no person is expelled, returned or extradited to a country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture;**

(b) **Establish a legal and institutional framework regulating asylum in accordance with international standards in order to ensure its compliance with the principle of non-refoulement and examine each case individually;**

(c) **In particular, ensure that foreign residents complaining that they have been tortured in their country of origin are not subjected to administrative deportation.**

#### **Situation of bidun persons**

36. While welcoming the decision of the Council of Ministers regarding civil, social and humanitarian benefits to the Kuwaiti biduns and taking note of the decision by the Parliament to accord Kuwaiti nationality to 4,000 such persons each year, the Committee remains concerned at the situation of at least 100,000 biduns termed “illegal residents” in the State party, who lack legal recognition and are reported to continue to be the victims of various types of discrimination and ill-treatment (arts. 2 and 16).

**37. The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 26) that the State party should enact specific legislation in order to protect bidun persons. It should adopt adequate legal measures to guarantee the right of every child to nationality and to facilitate the registration of biduns and their non-discriminatory access to their fundamental rights, including access to justice and social services.**

#### **Independence of the judiciary**

38. While noting that the independence of the judiciary is guaranteed in article 163 of the Constitution, the Committee is concerned that judges are appointed by the Supreme Judicial Council, which in turn is appointed by the executive. It is also concerned about the independence of foreign judges owing to the lack of security of tenure, since their judicial appointment is reviewed at short intervals and since their contracts are of short duration (art. 2).

**39. The State party should take measures to guarantee the full independence, autonomy and impartiality of the judiciary in the performance of its functions, and review the regime of appointment, promotion and dismissal of judges in line with the relevant international standards, including the Basic Principles on the Independence of the Judiciary. It should also ensure the security of tenure of foreign judges.**

#### **National human rights institution**

40. While welcoming the adoption of Act No. 67 regarding the establishment of a national human rights institution (Diwan Huquq al Insan) in July 2015, the Committee is concerned at reports that the Diwan is not fully independent, since it is supposed to be under the supervision of the Council of Ministers (art. 2).

**41. The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 27) that the State party ensure the independence of the national human rights institution (Diwan Huquq al Insan) in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should enable the Diwan to effectively monitor and inspect all places of detention by making regular and unannounced visits, and should publish the reports containing its findings.**

#### **Training**

42. While taking note of the training provided to law enforcement, security and prison personnel, as well as of the workshops organized by the Department of Forensic Medicine, the Committee is concerned that insufficient specific training is provided on the provisions of the Convention and the absolute prohibition of torture. It is also concerned that medical professionals do not receive sufficient training on the Istanbul Protocol (art. 10).

43. **The State party should:**

(a) **Ensure that training and educational programmes for law enforcement, security and prison personnel cover the provisions of the Convention and the absolute prohibition of torture, as well as professional techniques, including on the need to respect the principles of necessity and proportionality during police and security interventions;**

(b) **Ensure that judges and judicial personnel are aware of the provisions of the Convention;**

(c) **Ensure that the Istanbul Protocol is made an essential part of the training for all medical professionals and other public officials involved in the detention or imprisonment of persons, as well as for personnel involved in the investigation and documentation of torture;**

(d) **Develop and implement specific methodologies to assess the effectiveness and impact of training and educational programmes provided to law enforcement and other public officials regarding the provisions of the Convention on the reduction of the number of cases of torture.**

#### **Redress, including compensation and rehabilitation**

44. While noting article 11 of the Code of Criminal Procedure (Act No. 17/1960), which stipulates that the legal system affords every person the opportunity to seek reparation for damage caused by an offence through courts, the Committee remains concerned at the continued absence of a specific programme to implement the rights of victims of torture and ill-treatment to receive adequate reparation and compensation. It is also concerned that only one case of moral and financial compensation has been cited during the period under review and at the absence of information on any ongoing reparation programmes (art. 14).

45. **The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 21) that victims of torture and ill-treatment should have an enforceable right to redress, including fair and adequate compensation and rehabilitation. The State party should provide information on the number of requests for redress and compensation measures, the number granted by courts, as well as on the amounts ordered and provided in each case. In addition, the State party should provide information on any reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment during the period under review.**

#### **Follow-up procedure**

46. **The Committee requests the State party to provide, by 12 August 2017, information on follow-up to the Committee's recommendations on a public statement by the highest State authority condemning the use of torture and ill-treatment, conditions of detention, the urgent reinstatement of the de facto moratorium on the application of the death penalty, and the situation of foreign workers (see paras. 13 (a), 22, 26 (a) and 30). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

#### **Other issues**

47. **The Committee recommends that the State party consider withdrawing its reservation to article 20 of the Convention as envisaged by its delegation during the**

consideration of its previous report, in May 2011 (see CAT/C/SR.989, paras. 7 and 68).

48. The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 31) that the State party consider making the declarations envisaged under articles 21 and 22 of the Convention.

49. The Committee reiterates its recommendation (see CAT/C/KWT/CO/2, para. 29) that the State party consider ratifying the Optional Protocol to the Convention.

50. The Committee invites the State party to ratify 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, as well as the two Optional Protocols to the International Covenant on Civil and Political Rights, and 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.

51. The Committee invites also the State party to ratify 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.

52. The Committee invites the State party to submit its next report, which will be its fourth, by 12 August 2020. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fourth periodic report under article 19 of the Convention.

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