



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

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Summary record of the 989th meeting

Held at the Palais Wilson, Geneva, on Thursday, 12 May 2011, at 3 p.m.

Chairperson: Mr. Wang Xuexian (Vice-Chairperson)

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In the absence of the Chairperson, Mr. Wang Xuexian (Vice-Chairperson) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Kuwait (continued) (CAT/C/KWT/2)

1. *At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.*

2. **Mr. Razzooqi** (Kuwait), replying to questions raised by the Committee at its 986th meeting, attributed the late submission of the second periodic report to the political situation in the region, which had engendered instability and confusion. He reassured the Committee that his country would continue submitting reports to the human rights treaty bodies in accordance with its international obligations.

3. Illegal residence was a difficult and persistent problem that had been addressed by successive Governments. There were just 1 million Kuwaitis, but nationals of 192 other countries resided in the country. As Kuwait was a welfare State that guaranteed free education, health care, housing and employment to its citizens, access to Kuwaiti citizenship entailed many privileges. Although illegal residence was a thorny issue, Kuwait complied with international law and attended to the humanitarian needs of the persons concerned. The authorities hoped to solve the problem within the next five years. A National Committee had been established by the former Deputy Speaker of the National Assembly to address all issues pertaining to illegal residents, such as humanitarian needs and access to identity cards. A special fund had been created to meet their educational and health-care requirements.

4. Many Kuwaitis, especially prisoners of war, had disappeared during the Iraqi invasion. His country considered that an additional binding protocol to the Geneva Conventions was required to address such situations and would submit a proposal to that effect to the Human Rights Council.

5. Mr. Mohammad al-Maimouni had indeed been tortured to death by officials tasked with upholding the law. Severe legal action had been taken against the 20 persons concerned and the Minister of the Interior had resigned. Investigation procedures and the prison system were being reassessed to forestall any recurrence of such criminal acts.

6. It was difficult to abolish capital punishment because it formed part of the Islamic sharia. However, the conditions to be met for its imposition were so exacting that it was scarcely ever imposed. Nobody had been executed for more than four or five years. He had never heard of any case in which an accused had been sentenced to amputation of his or her hands or feet. Such sentences did not exist in Kuwait.

7. He had spoken with the Minister for Foreign Affairs about the desirability of withdrawing Kuwait's reservation to article 20 of the Convention. The Minister had agreed and would recommend that the relevant law should be amended as soon as possible. The Minister would also recommend that a law containing the definition of torture as set out in the Convention should be enacted. He assured the Committee that the Convention had been incorporated in Kuwaiti law and that international law had primacy over domestic law.

8. **Mr. Al-Mutairi** (Kuwait) said that article 31, paragraph 2, of the Kuwaiti Constitution prohibited all forms of torture and degrading treatment. Article 32 enshrined the principles of *nullum crimen sine lege* and *nulla poena sine lege* and article 34 stipulated that an accused was to be presumed innocent until proven guilty in a fair trial.

9. Kuwait had ratified a large number of international human rights treaties. Pursuant to article 70 of the Constitution, the Amir concluded such treaties by decree and transmitted them forthwith to the National Assembly. A treaty had the force of law as soon as it was signed, ratified and published in the Official Gazette.

10. No domestic legal enactment was inconsistent with the provisions of the Convention. Kuwait had complied with article 4 of the Convention, which required States parties to ensure that all acts of torture and complicity or participation in torture were offences under its criminal law. For instance, article 53 of the Criminal Code stipulated that a public official or employee who committed torture in person or through a third party against an accused person, a witness or an expert with a view to compelling him or her to confess to a crime, or to make statements or provide information thereon, was punishable with a term of imprisonment of up to 5 years. If the torture led to or was accompanied by an act for which the law imposed a harsher penalty, the perpetrator would be liable to the penalty prescribed for that act. Article 54 provided for sanctions against a public official or a civil servant who inflicted on a convicted person a more severe sentence than that provided for under the law or a penalty to which the perpetrator had not been sentenced. Article 55 provided for sanctions against a public official or a public-sector employee who abused his or her authority by entering a person's residence without obtaining his or her approval in cases that were not prescribed by law or without observing the relevant rules and procedures. Article 56 imposed sanctions on a public official, an employee or a civil servant who abused his or her position and treated people with cruelty, prejudicing their honour or causing them physical pain. Article 57 imposed sanctions on a public official, an employee or a civil servant who compelled a person to perform an act in cases not provided for by law or used a person for tasks other than those assigned to him or her under the law. Attempts, complicity and participation in acts of torture were covered by articles 45, 47 and 48 of the Criminal Code.

11. With regard to article 14 of the Convention concerning compensation for victims of torture, he said that article 111 of the Code of Criminal Procedure entitled persons who had suffered harm as a result of an offence to bring a civil action before the court that was hearing the criminal proceedings. A civil claimant could also file a claim during the preliminary investigation.

12. Articles 160 to 166 of the Criminal Code met the requirements of article 2 of the Convention. Article 160 prescribed sanctions against anyone who struck, injured, caused bodily harm to, or seriously undermined the physical integrity of another person. Article 161 prescribed sanctions against anyone who severely harmed others by using them as a target for any form of projectile, by striking them with a knife or any other dangerous instrument, by throwing a caustic liquid at them, by placing such liquid or any explosive material in any place with a view to harming them, or by providing them with a narcotic substance. Article 162 prescribed sanctions against anyone who inflicted harm on another person in such a way as to cause a permanent disability. A less severe penalty was imposed if the victim suffered severe physical pain or was unable to use one or more of his or her limbs or bodily organs for a period not exceeding 30 days.

13. The Ministry of Interior had laid down rules regulating the conduct of investigations, investigation methods and the treatment of detainees based on the principle that all persons under investigation or interrogation should be treated well and with respect for their legal guarantees. The use of unlawful force to extract information or evidence during interrogations was not allowed. The Ministry had established specific rules regulating the functioning of places of arrest and detention to ensure that detainees received proper treatment and enjoyed all their rights. Those rules also stipulated that supervisory bodies should oversee investigations to ensure that law enforcement officers and the authorities acted lawfully and did not abuse their authority.

14. Ministry of Interior officials received basic training on the relevant criminal legislation at police colleges and academies. All concerned and, in particular, investigating officers, participated in regular training courses to upgrade their skills and ensure that they were fully aware of human rights and able to apply the law correctly. The Ministry participated in numerous international and regional workshops and conferences on human rights. The Officers Training Institute organized workshops on human rights, law enforcement and lawful conduct and treatment that also covered international human rights instruments, with special emphasis on those that addressed conditions of detention, prisoners' rights and the prohibition of torture. Moreover, the workshop emphasized respect for the United Nations Code of Conduct for Law Enforcement Officials at all times. The workshops were run by highly trained and qualified personnel with in-depth knowledge of human rights. Senior military staff were also trained in respect for human rights as provided for in domestic legislation and international instruments. The workshops and seminars organized by the Ministry from 2007 to 2009 had included training on trial procedures, administrative detention, respect for human rights, international protection and the rights and obligations of civil servants.

15. In conclusion, the provisions of the Kuwaiti legal system overall were in conformity with the Convention.

16. **Mr. Al-Ansari** (Kuwait), with regard to the question concerning the application of the provisions of the Convention, in particular the definition of torture, said that under the Constitution all international instruments ratified by Kuwait were binding and had the force of domestic law. The Convention required all States parties to respect its provisions and the Kuwaiti justice system duly guaranteed respect for the provisions of the Convention. The Court of Cassation had established clear rules requiring Kuwaiti judges to respect all instruments to which Kuwait had acceded. With regard to the question concerning paragraphs 19 and 144 of the report, a legal analysis had been included in order to demonstrate that the Convention applied. Article 1 (2) of the Convention provided that article 1 was "without prejudice to any international instrument or national legislation which does or may contain provisions of wider application". As Kuwait had ratified and was therefore bound by the Convention, it would abide by the definition of torture contained therein although that was broader than the definition in Kuwaiti legislation. The Ministry of Justice had established a committee that was currently examining how to bring Kuwaiti legislation into line with the definition of torture contained in the Convention.

17. With regard to judicial, administrative or other measures to prevent torture under article 2 of the Convention, Kuwait was a State subject to the rule of law and its constitutional and political systems safeguarded the primacy of law regardless of the circumstances. The scope of the Constitution was comprehensive; article 31 thereof prohibited extrajudicial arrest, torture and degrading treatment, while article 34 prohibited the infliction of physical or psychological injury. The Constitution enshrined the principles of democracy and the separation of powers. The fact that the Kuwaiti legal system was comprehensive and independent made it possible to ensure respect for the law and for the right to access to justice, security and freedom. Legal decisions pertaining to anyone involved in acts of torture were subject to judicial control; in a State subject to the rule of law, acts of torture were not permissible under any circumstances.

18. At the political and administrative levels, Kuwait was committed to the principle of legality. That principle formed the basis of all State decisions and policies, in addition to its existing commitments under international treaties on international humanitarian law and human rights law.

19. With regard to the limitation of pretrial detention to a maximum of four days, the legislative review committee had prepared a bill amending the Code of Criminal Procedure of 1960 on the introduction of an additional paragraph to article 60 thereof limiting the

maximum time for which a detainee can be held to 48 hours. The bill had been approved by Parliament and was currently being promulgated.

20. With regard to the question concerning legal safeguards for accused persons in terrorism cases and whether they were subject to exceptional treatment, the Code of Criminal Procedure did not specifically define the term “terrorism”. That word covered a range of punishable offences that were punished, without exception, under the Code of Criminal Procedure. Therefore, legal safeguards in such cases were the same as those in cases involving other types of offence and persons accused in such cases were treated without discrimination, in conformity with international standards. Kuwait sought to rehabilitate people who had committed such offences and to reintegrate them into society.

21. Article 2 of Act No. 10 of 1991 provided that any case brought before the State Security Court, which had been dissolved, could be transferred to a criminal court and any decision that it had handed down could be appealed before a criminal court, provided that the appeal was submitted within the requisite time frame. Ultimately, the criminal court judge was competent to consider such cases.

22. Despite the guarantees that his colleague had reviewed, cases of use of torture by the police did occur. During the period 2001–2011, 623 cases relating to torture, ill-treatment, deprivation of liberty and corporal punishment had been brought before the courts. Of those cases, 242 had been acquitted and 148 convicted, while the remaining cases were under investigation.

23. **Mr. Al-Saneh** (Kuwait) said that he wished to clarify the questions raised in connection with specific cases involving allegations of torture.

24. Mr. Ala’ Ahmad al-Sayyid had not been detained for 55 days but had been arrested on 1 February 2010 and released on 3 March 2010. He had been arrested on suspicion of abusing a number of girls under 14 years of age, based on his confession to his own and his embassy’s legal counsel. His statements had been corroborated by evidence found at his place of residence. He had also confessed to the Deputy Public Prosecutor, three other members of the Office of the Public Prosecutor and his own legal counsel and had stated that he had not been subjected to any form of pressure or abuse in his confession. After investigating the case and examining the evidence, the Office of the Public Prosecutor suspected that he had abused one young girl. However, she could not be identified as she had disappeared and her parents did not know her whereabouts. The Office of the Public Prosecutor had decided to set aside the presumption of criminal activity in this case.

25. In the case of Mr. Mohammad al-Maimouni, the Office of the Public Prosecutor had conducted an investigation into the incident in question. It had charged 16 police officers with torture, 2 further police officers with being accessories to torture and a third police officer with cruelty. The necessary proceedings had been brought in respect of all of the accused and the final hearing had been postponed for one month at the request of the defence counsel.

26. Mr. Adil Aql al-Dafiri had been investigated in connection with his alleged involvement with others in attempted hostile acts against a friendly country, in other words for alleged terrorist acts. The Deputy Public Prosecutor had asked him whether he had been tortured but had found no indication that that was the case. Mr. Al-Dafiri had subsequently been acquitted.

27. With regard to the payment of compensation to those found by the courts to be victims of torture, the Kuwaiti judicial system guaranteed the exclusive personal right to litigation. However, the delegation was unaware of any instances in which compensation had been paid to the victims of torture.

28. Pursuant to Act No. 3 of 1983 on juvenile delinquency, a dedicated prosecution office had been established to deal with offences committed by juveniles. The Act provided for recourse to experts and others in order to monitor the behaviour of juvenile delinquents and understand their motives, so that the competent judge could take appropriate measures.

29. In connection with judicial guarantees, it should be noted that the judicial branch was separate from the executive and legislative branches. Judges were entirely independent and made their decisions solely on the basis of law. Article 163 of the Constitution provided irrevocable guarantees for the independence of judges. Moreover, Act No. 32 of 1990 set forth the rules and procedures that guaranteed the independence of judges and the guarantees that ensured that judges acted on the basis of the law.

30. **Mr. Al-Saeed** (Kuwait) said that Kuwait also believed that refugees deserved justice and had concluded a cooperation agreement with UNHCR whereby no person under its mandate was deported without access to UNHCR. A mechanism had been created to facilitate the deportation process, including for persons in irregular situations and those under the mandate of UNHCR. A number of workshops had been held in cooperation with UNHCR, most recently on the concept of international protection.

31. Kuwait had repeatedly responded to United Nations humanitarian appeals and had donated considerable amounts to assist refugees on the Libyan border. It had also substantially increased its donations to UNHCR and its contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

32. With regard to political asylum, article 46 of the Constitution prohibited the extradition of political refugees but in practice there had been no such cases prior to 1990. Moreover, the bilateral agreements between Kuwait and other countries and groups prohibited the extradition of political refugees or persons who had committed political crimes who could be subjected to torture in their countries of origin.

33. In connection with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kuwait was willing to examine it and to consider its implementation.

34. A question had been raised about military courts and prisoners of war. Kuwait did not have any prisoners of war and although following the liberation of Kuwait some people had been brought to trial for undermining national security and stability, they had been tried in civil, not military, courts.

35. In connection with consular visits to prisons, the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations enabled States to protect the interests of their nationals abroad. Under the terms of both Conventions, Kuwait cooperated with diplomatic missions to facilitate and arrange consular visits to foreign nationals held in Kuwaiti prisons. Moreover, prisoners could contact their national missions.

36. Human rights had been integrated into the primary and secondary school curricula, through the teaching of Muslim religious education, which focused on promoting dignity and respect for all.

37. **Mr. Al Shamri** (Kuwait) said that there were 200 female prison guards on duty 24 hours a day in the women's prison. There were also 12 male guards who guarded the main gate, but did not enter the facility. Prison A was for detainees who had committed minor offences and misdemeanours, while prison B was for those who had committed serious crimes. Both prisons were run by independent directors and the same rights were granted to inmates of both institutions, including the right to consult a lawyer at any time during working hours.

38. On arrival at the central prison, prisoners were granted access to a telephone in order to inform their family of their whereabouts, after which they were taken to the prison doctor for a check-up and for their medical record to be established. No one could be imprisoned without a judicial order or an order for preventive detention issued by an investigating officer or magistrate. The central prison director inspected the facility each day, and all inmates had the right to meet the director to voice any complaints they might have. A social worker visited the prison daily, and there was a prison hospital, supervised by the Ministry of Health. Closed circuit cameras had been installed throughout the prison.

39. Any cases of torture were referred to investigating authorities outside the prison, under the aegis of the Office of the Public Prosecutor. Regular prison visits were conducted by human rights NGOs, including the human rights committee of the Kuwaiti Parliament, which inspected detention conditions and consulted with detainees. The International Committee of the Red Cross conducted prison visits of up to two weeks, which involved conducting private interviews with the detainees, and visiting all areas of the prison.

40. **Mr. Al Musbah** (Kuwait) said that pursuant to the Foreigners Residence Act the Minister of the Interior could issue a deportation order against any foreigner, even those with a residence permit, under certain conditions: if deportation had been recommended by a court as an auxiliary punishment after completion of the main sentence; if the person in question had no apparent source of income; or if the Ministry of the Interior had deemed the deportation necessary for public interest, security or moral order. The Act provided for the arrest and detention for up to 30 days of a foreigner, if necessary, in order to implement a deportation order, and stipulated that a foreign citizen could be ordered to leave Kuwait if not in possession of a valid residence permit. Those subject to deportation orders must be given up to three months to settle any pending issues in Kuwait, and their children must be allowed to complete the academic year. Some individuals subject to deportation orders, such as stateless persons or persons with family ties with Kuwaiti nationals, could have their deportation order revoked by the Amir's amnesty.

41. If a foreign citizen had been convicted of a crime or misdemeanour related to honour or trust, a deportation order could be issued on completion of his or her sentence. All deportation orders could be appealed. Only the security authorities could order administrative deportation.

42. The Code of Criminal Procedure provided that law enforcement officers must record the statement made by the accused and his or her defence. If that statement included a confession, it must be recorded and the accused must be referred to an investigating judge for detailed questioning to verify the confession. The accused had the right to be questioned in the presence of legal counsel and the right to remain silent.

43. **Mr. Al Rasheedi** (Kuwait) said that the Department for Criminal Evidence had been established for quality control. Cases were referred to it by the investigating authorities. The Department of Forensic Medicine employed specialized male and female physicians, who examined victims of torture, and prepared a forensic report documenting their injuries. That report would be sent to a higher medical authority for approval and submission to the head of the Department of Forensic Medicine. The Department for Criminal Evidence would then check that the report met all the relevant standards. The victim, or his or her lawyer, could contest the content of the report at any point during that procedure and request a second medical examination, which would be conducted by three doctors and a counsellor. A second report would be issued and sent to the Department for Criminal Evidence.

44. Any person who had been a victim of police violence could request a medical examination, the report of which would be submitted to the police office in the context of a complaint against the officer concerned. The victim would be referred to the Department of

Forensic Medicine, for treatment and to have his or her injuries documented and photographed. The Department's report would be submitted to the Department for Criminal Evidence. A shelter for victims of trafficking and torture was being established.

45. **Ms. Al Ghaeeb** (Kuwait) said that medical committees had been established throughout Kuwait to monitor and investigate cases of child abuse and to provide counselling for child victims. Doctors who examined children showing signs of any bodily, sexual or psychological harm must report those cases. If a child under the age of 10 years had been subjected to domestic violence, he or she could be placed in foster care while the situation was being investigated.

46. A centre had been established to assist families with disabled children aged up to 2 years. Vocational training was available for young people with special needs, in order to promote their integration into society. In an effort to avoid the propagation of genetic disabilities, couples were obliged to undergo screening for hereditary conditions before marriage.

47. **Mr. Al Dousari** (Kuwait) said that *Kafala*, the sponsorship of foreign workers, had not been included in the new Labour Code. Workers could move to the services of a new employer after three years, and still receive end-of-service indemnities. Domestic work had not been included in the new Labour Code since it was particularly difficult for labour inspectors to visit homes without an order granted by the Office of the Prosecutor. The International Labour Organization was currently drafting an international instrument on domestic work, and Kuwait was awaiting that development. The new Labour Code empowered the Ministry of Labour to issue decisions on regulating working hours and conditions for domestic work.

48. All persons had the right to freedom of movement on Kuwaiti territory. If a foreign worker's passport was confiscated by his or her employer, the justice department required a period of one month to issue an order for its recovery. A special body had been established to receive complaints from domestic workers, who could also submit complaints to their consulate or to the human rights committee of the Kuwaiti Parliament.

49. Kuwait had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Draft legislation providing for protection for victims of trafficking was currently before Parliament.

50. Kuwait had not ratified the United Nations Convention on the Rights of Persons with Disabilities as it had recently adopted new legislation on disabled persons, which had a broader scope than the Convention. The Government allocated \$500 million per year in material and financial assistance for persons with disabilities.

51. **The Chairperson** commended the Kuwaiti Government's efforts to guarantee human rights and provide international aid.

52. **Mr. Bruni** (Country Rapporteur) noted with satisfaction that the State party intended to withdraw its reservation to article 20 of the Convention, and that it had expressed a commitment to defining torture as a separate offence under criminal law, using the definition contained in the Convention.

53. He pointed out that the Committee had not received answers to its questions on the number of asylum applications filed, granted and rejected, and on examples of cases, if any, where deportation had been prevented owing to a threat of torture. He wished to know why Kuwait had not ratified the Convention relating to the Status of Refugees, given its strong financial support of the Office of the United Nations High Commissioner for Refugees.

54. On the issue of training for public officials, greater emphasis should be placed on the absolute prohibition of torture in all elements of law enforcement. The State party should consider applying the Istanbul Protocol, which was an excellent tool for law enforcement training. While he welcomed the data on trials related to torture, he still wished to know what sentences had been handed down in those cases.

55. The delegation maintained that there was no record in the State party of anyone sentenced to prison terms in 1991 who was still in prison or who had disappeared. NGOs, however, had for 20 years maintained their allegations with regard to persons who remained in prison or who had disappeared in custody, so clarification was needed.

56. With regard to the case of the torture victim, Mr. Maimouni, he would like to know whether any penalties had been requested for the perpetrators or, given that sentencing had been postponed until 24 May, what the possible penalties were. The Committee would appreciate being notified of the results of the proceedings when they had been completed and would find it useful to learn what punishment might face a person convicted for having carried out torture in Kuwait.

57. He also wished to know whether statistics were available on the size of the prison population and on the number of people held in police detention, and requested information on the conditions in places of detention.

58. **Ms. Sveaass** said that it appeared that the forensic approach to the investigation of torture cases in the State party was thorough and that it took into account many of the guidelines in the Istanbul Protocol. She wondered whether the reports that emerged from such investigations were used to assess the medical and rehabilitation needs of torture victims, and requested more information on the compensation and rehabilitation provided. She also asked if women who were victims of domestic violence had access to shelters and what legislative steps had been taken to prohibit domestic violence. Were measures in place to combat hate crime and human rights abuses directed at homosexuals?

59. **Mr. Mariño Menéndez** joined Mr. Bruni in welcoming the State party's decision to withdraw its reservation to article 20 of the Convention and said that he hoped that the decision would be implemented before long. With regard to the application of article 14 of the Convention, he asked what was meant by equitable compensation for victims of torture, as it suggested that the means for as full rehabilitation as possible might not be provided in all cases. Could the delegation provide more information and examples of specific cases in which such equitable compensation had been made?

60. It appeared that the State party's Criminal Code did not include the offence of terrorism, so he would like to know under what criminal categories perpetrators of terrorist acts were prosecuted and punished.

61. Turning to the matter of refugees, he requested more information on the guarantees in place to ensure that asylum-seekers and refugees were not deported to other countries in which they ran the risk of being tortured, and asked for confirmation of the claim that no one was deported from Kuwait without the consent of UNHCR. He asked if persons subject to deportation orders for security reasons were able to appeal against such administrative decisions to an independent body.

62. He also requested information on the State party's legislation governing stateless persons and whether the State party had acceded to the Convention relating to the Status of Stateless Persons or to the Convention on the Reduction of Statelessness. Ratification of those conventions could have a direct impact on the uncertain situation of members of the Bidoun minority, who did not have Kuwaiti nationality but appeared to have the right to remain in the territory. Although he had understood that, when a foreigner was detained, the

consul of that person's country was present during questioning, he wished to know whether foreigners actually had the right to request a consul's presence.

63. **Mr. Gallegos Chiriboga** welcomed the research being done on disability in the State party and the way in which Kuwaiti funds had been used in cooperation with other countries. He encouraged the State party to make still greater efforts to improve the application of human rights standards.

64. **Ms. Kleopas** asked the delegation to confirm the State party's commitment to enact laws that would prohibit corporal punishment. With regard to allegations of widespread physical and sexual abuse of domestic workers, she asked what measures had been taken to assist and protect them, given that they were not covered by the new Labour Code. She drew the attention of the delegation to general comment No. 2 (CAT/C/GC/2, para. 18) and asked whether anyone had been prosecuted in the State party for abuse inflicted on domestic workers. More information was needed on violence against women and girls, and the State party should criminalize marital rape. Lastly, she asked whether prisoners or persons detained by the police could file complaints with an independent mechanism and whether such complaints were the subject of independent investigations. It seemed that neither was the case.

65. **Ms. Gaer** asked for confirmation that the State party would be willing to host a visit by the Special Rapporteur on trafficking in persons, especially in women and children, and wondered whether the State party planned to make any public pledges in support of its candidacy for a seat on the Human Rights Council. The State party's declared intention to withdraw its reservation to article 20 of the Convention and to consider criminalizing the specific offence of torture could be included in such pledges.

66. With regard to the Al-Maimouni case, she asked under which articles of the Criminal Code the 16 people accused of carrying out acts of torture had been charged. Had the alleged sodomy and use of a blowtorch in the case figured among the charges? Were they considered torture? In the context of prison inspections, she wondered whether statistics were available on the number of complaints lodged by prisoners and how many were acted upon. Was sexual abuse in prisons monitored and, if so, had any perpetrators been prosecuted or punished?

67. Noting the statement in the State party's periodic report that "no new legislative plans have been devised to establish a specific definition of the crime of torture under Kuwaiti law" (CAT/C/KWT/2, para. 19), she asked whether any steps had already been taken to implement the declared intention to include such a definition in the Criminal Code.

68. **Mr. Razzoqi** (Kuwait) said that the decision to withdraw the State party's reservation to article 20 of the Convention had been reached only after lengthy debate by the Council of Ministers, in which the notion that the article interfered with Kuwait's sovereignty had had to be dispelled. The inclusion of a definition of the offence of torture in the Criminal Code would naturally need to be accompanied by a definition of the appropriate punishment. A visit to Kuwait by the Special Rapporteur on trafficking would be possible, but only after careful preparation in conjunction with OHCHR.

The meeting rose at 6 p.m.