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**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Visite au Koweït

Rapport de la Rapporteuse spéciale sur les droits des personnes handicapées*

Résumé

La Rapporteuse spéciale sur les droits des personnes handicapées, Catalina Devandas-Aguilar, s'est rendue au Koweït du 26 novembre au 5 décembre 2018. Dans le présent rapport, elle met en évidence les progrès accomplis par le Gouvernement pour intégrer la promotion et la protection des droits des personnes handicapées dans sa législation, ses politiques et ses programmes compte tenu de la Convention relative aux droits des personnes handicapées, qu'il a ratifiée en 2013. La Rapporteuse spéciale met également en évidence les lacunes existantes et les domaines dans lesquels des progrès restent à faire, et formule des recommandations tendant à appuyer les efforts déployés par le Gouvernement pour transformer la société ainsi que pour donner des réponses et proposer des solutions inclusives à toutes les personnes handicapées vivant au Koweït d'ici à 2035, échéance que le pays s'est fixée pour la réalisation de sa vision pour le développement inclusif.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le corps du rapport, annexé au résumé, est distribué dans la langue de l'original et en arabe seulement.



Annex

Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Kuwait

I. Introduction

A. Programme of the visit

1. The Special Rapporteur on the rights of persons with disabilities visited Kuwait, at the invitation of the Government, from 26 November to 5 December 2018, to assess the measures taken by the authorities to implement the Convention on the Rights of Persons with Disabilities. She also sought to determine the impact of those measures on the level of enjoyment of persons with disabilities of the rights enshrined in the Convention, and to identify challenges and gaps in protection in order to formulate concrete recommendations.

2. The Special Rapporteur met with the Secretary-General of the Supreme Council for Planning and Development, the Minister of Social Affairs and Labour, the Minister of Higher Education, the Director General of the Public Authority for Disabled Affairs, and senior representatives of the Ministries of Awqaf and Islamic Affairs, Education, Foreign Affairs, Health, Information, the Interior, and Justice, and representatives of the Central Agency for Remediating Illegal Residents' Status. She also met with the President of the Supreme Judicial Council, the Constitutional Court and the Court of Cassation, the Director General of the Municipality of Kuwait, the Disabled Affairs Committee of the National Assembly, the newly established National Council for Human Rights, the United Nations country team, a wide range of organizations of persons with disabilities and other civil society groups, including organizations of parents of children with disabilities.

3. The Special Rapporteur visited the Al-Raja public special education school for children with intellectual disabilities, the South al-Sabahiya vocational training and rehabilitation centre for persons with intellectual disabilities, and the Kuwait Centre for Mental Health. On 3 December 2018, she participated in the celebrations of the International Day of Persons with Disabilities, jointly organized by the Public Authority for Disabled Affairs and the United Nations Development Programme (UNDP).

4. The Special Rapporteur thanks the Government of Kuwait for the cooperation extended to her prior to and during the visit. She is grateful to the United Nations Resident Coordinator/UNDP Resident Representative and his office and the entire United Nations country team for the crucial support they provided to make her visit a success. She particularly thanks all the persons with disabilities who shared their situations, concerns and desire for change, including persons with intellectual disabilities and stateless Bidoon with disabilities.

B. Context

5. Kuwait is a constitutional emirate with a parliamentary system of government. It is a member of the Arab Gulf Cooperation Council, the League of Arab States and the Organization of the Islamic Conference. Kuwait is one of the world's major producers and exporters of petroleum and is a founding member of the Organization of Petroleum Exporting Countries.

6. Kuwait was ranked 56 out of 189 countries and territories in the 2017 human development index, classifying it in the very high human development category. According to the World Bank, the gross domestic product per capita in Kuwait stood at US\$ 34,244 in

2018.¹ According to the Central Statistical Bureau, there are no persons in Kuwait living below the national poverty line. In 2016, public expenditure in Kuwait represented 53.76 per cent of gross domestic product.² For the fiscal year 2018/19, one third of the State budget was allocated to general public services, 13 per cent to education, almost 11 per cent to health and 2.4 per cent to social protection.³

7. In 2019, Kuwait had an estimated 4,420,110 inhabitants. Of this population, 62 per cent were male and 38 per cent female, with 26 per cent below 20 years of age. Kuwaiti nationals accounted for nearly one third of the population, while 69 per cent were non-Kuwaitis.⁴ The overall estimated number of persons with disabilities in Kuwait is not known. According to administrative data, in 2018 there were 65,123 persons with a disability certificate. In general, there is a serious lack of sociodemographic data and statistics disaggregated by disability. There is no data available from household or other surveys, although it was reported that the 2011 national census had a chapter on disability.

II. Situational analysis and achievements

A. Legal framework

8. Kuwait ratified the Convention on the Rights of Persons with Disabilities in 2013, but not its Optional Protocol. The Government made interpretative declarations on articles 12 (2) and 19 (a) of the Convention, and reservations to articles 18 (1) (a) and 23 (2).

9. Kuwait has ratified several other international human rights treaties, with the exception of 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, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Moreover, Kuwait is not yet a State party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, administered by the World Intellectual Property Organization (WIPO).

10. Kuwait has a good record of submitting its reports to the treaty bodies on time. In 2015, it submitted its first national report to the Committee on the Rights of Persons with Disabilities (CRPD/C/KWT/1), which was considered in September 2019. The Committee on the Elimination of Discrimination against Women reviewed the situation in Kuwait in 2017 and made specific recommendations concerning the rights of women and girls with disabilities (CEDAW/C/KWT/CO/5, para. 45 (f)). The human rights situation in Kuwait was also examined as part of the universal periodic review in 2015, including with regard to disability issues. The country has issued a standing invitation to the special procedure mandate holders of the Human Rights Council and regularly hosts visits by them.

11. At the national level, the normative framework on disability rights is based primarily on Law No. 8/2010 on the rights of persons with disabilities. With the adoption of this Law, Kuwait has taken important measures to promote the access of Kuwaiti persons with disabilities to social protection, health, employment and education. Law No. 21/2015 on the protection of the rights of the child also contains provisions to protect the rights of children

¹ See <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (accessed on 9 December 2019).

² See “Kuwait: ratio of government expenditure to gross domestic product (GDP) from 2014 to 2024”. Available from www.statista.com/statistics/438897/ratio-of-government-expenditure-to-gross-domestic-product-gdp-in-kuwait/ (accessed on 9 December 2019).

³ Kuwait, Ministry of Finance, *The General Budget for the State of Kuwait 2018/2019*, table 5, pp. 56–59.

⁴ Kuwait, Central Statistical Bureau, “Population estimates in Kuwait by age, nationality and sex at 1/1/2019”. Available from www.csb.gov.kw/Pages/Statistics_en?ID=67&ParentCatID=1 (accessed on 20 September 2019).

with disabilities. However, these and other laws are not fully compliant with the Convention on the Rights of Persons with Disabilities, as explained in section C below.

B. Institutional and policy frameworks

12. The Special Rapporteur noted with appreciation that the long-term Kuwaiti National Development Plan that was launched in 2017, reflecting the vision for the country by 2035, includes under the “human capital” pillar several projects for the inclusion of persons with disabilities, with a total investment of over US\$ 60 million. For instance, the Plan identified four goals and targets for the “care and integration of persons with disabilities”: (a) programmes on early detection and provision of health care; (b) increasing awareness among persons with disabilities of their rights, promoting their participation in society and combating stereotypes, especially in relation to persons with intellectual disabilities; (c) developing a comprehensive system for the inclusion of persons with disabilities in the labour market and in the education system, with increased opportunities for them; and (d) encouraging the private sector to establish partnerships with the public sector and civil society for the inclusion of persons with disabilities through corporate social responsibility. The Plan, which includes provisions on universal design (see sect. III C below), is a significant accomplishment that should be supplemented with clear, time-bound benchmarks and effective implementation plans and accountability frameworks, along with the necessary budgetary and fiscal measures.

13. The Public Authority for Disabled Affairs is the governmental focal point on disability, as provided for in article 33 (1) of the Convention. Its mandate includes the implementation of an integrated action plan covering social welfare for persons with disabilities, as well as the provision of social services for all Kuwaitis with disabilities. In recent years, considerable efforts have been made to strengthen the technical skills, knowledge and capacity of its staff through the implementation of a project with the support of UNDP, and to gradually move away from service provision towards the effective implementation, mainstreaming and coordination of disability issues within the Government. The Special Rapporteur encouraged the Public Authority for Disabled Affairs and UNDP to continue this project and to develop the skills and capacities of organizations of persons with disabilities.

14. The Special Rapporteur strongly encouraged the Government to include in the strategic partnership framework that was being negotiated with the United Nations provisions for the inclusion of persons with disabilities in all pillars of the Kuwait Vision 2035 National Development Plan and to mainstream the disability rights perspective in all cooperation strategies and programmes in the country. Moreover, she urged it to include the rights of persons with disabilities in all efforts to support the implementation of the Sustainable Development Goals, so that persons with disabilities in Kuwait are not left behind.

15. The Government of Kuwait has yet to designate or set up an independent mechanism that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) to monitor the implementation of the Convention with the participation of persons with disabilities, as required by its articles 33 (2) and (3). The Special Rapporteur does not consider that the Supreme Council for Disabled Affairs or the Friends of the Disabled, established under articles 49 and 68 of Law No. 8/2010 respectively, meet the requirements of article 33 of the Convention, even though they include organizations of persons with disabilities among their members. In this regard, the establishment in September 2018 of the National Council for Human Rights, mandated to promote and monitor the implementation of all international human rights treaties in the country, as required by Law No. 67/2015, is a welcome development. Once fully established and operational, the Government could consider designating this body as the independent monitoring mechanism required by the Convention, and equipping it with the necessary mandate and resources.

C. Legal and policy issues to be addressed

16. Law No. 8/2010 on the rights of people with disabilities is less comprehensive in scope than the Convention and is not fully compliant with it. By way of example, the Law does not refer to core civil and political rights, such as the rights to life, liberty and security of the person, political participation, legal capacity and equal recognition before the law. The Law also reflects the outdated medical model of disability, where persons with disabilities are considered primarily as objects of care instead of rights holders. Accordingly, the definition of “person with disability” in article 1 of the Law focuses on the impairment rather than on the barriers resulting from the person’s interaction with the environment, referring to “all those suffering from permanent total or partial disorders leading to deficiencies”. Furthermore, this definition focuses only on persons with physical, sensory and intellectual disabilities, excluding those with developmental disabilities and those with psychosocial disabilities, among others. After the Special Rapporteur’s visit, the Government reported that a new amendment of the Law aimed to bring the definition into line with the Convention.

17. Article 4 of the Convention requires Kuwait to take all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention, and to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities. Despite not having access to the full English translation of all relevant legislation, the Special Rapporteur noted that Kuwaiti civil and criminal laws contain provisions that are not in line with article 12 of the Convention, which recognizes the full legal capacity of persons with disabilities. For instance, some provisions of the Civil Code, the Penal Code and the Code of Criminal Procedure issued in 1960 are framed under the medical model of disability and establish restrictions to the full enjoyment of legal capacity of persons with disabilities, including those with intellectual or psychosocial disabilities. These laws also use pejorative language to refer to persons with disabilities, such as “deaf and dumb”, “mentally retarded”, “insane”, “suffering from disorders” and “demented”. The Special Rapporteur was informed about an outdated mental health law, but could not access the text. The relevant legislative authorities, including the Disabled Affairs Committee of the National Assembly, should undertake a comprehensive review of the entire Kuwaiti normative framework and of Law No. 8/2010 to complete the process of legal harmonization, in accordance with article 4 of the Convention.

18. Notwithstanding the projects for the inclusion of persons with disabilities within the human capital pillar of the Kuwaiti National Development Plan, the Special Rapporteur noted the absence of an overall national strategy for persons with disabilities in Kuwait and that not all public policies, including disability-specific ones, include a human rights-based approach to disability. She encourages the Government to adopt a national strategy on disability, together with a time-bound action plan, to ensure the effective and full participation of the diversity of persons with disabilities on an equal basis with others. After the visit, the Public Authority for Disabled Affairs informed the Special Rapporteur that it had launched a strategy for persons with disabilities for the period 2020–2025.

19. The Special Rapporteur stressed that more efforts are needed to adequately implement the Convention and national legislation on disability in Kuwait. This is also required by resolution No. 1264 issued by the Legal Committee of the Council of Ministers, which states that all government agencies are mandated to coordinate with the Public Authority for Disabled Affairs to follow up on the implementation of Law No. 8/2010 and all related agreements, and to assign the Authority to submit periodic reports to the Council of Ministers in this regard. While this resolution and the recent reform and strengthening of the Public Authority for Disabled Affairs are welcome developments, the Authority cannot be the main body within the Government tasked to implement Law No. 8/2010 and the Convention. The Special Rapporteur recommends the establishment of a governmental coordination mechanism, under the overall direction of the Authority, with responsibility for ensuring that all line ministries mainstream the rights of persons with disabilities in their respective public policies, programmes and initiatives, as required under article 33 (1) of the Convention. For instance, this could be done through the designation of full-time senior

disability and accessibility focal points within all line ministries, empowered with a clear mandate and terms of reference, thus contributing to stronger coordination among ministries tasked to mainstream and implement disability provisions within their institutions.

III. Challenges and opportunities identified in Kuwait

A. Data collection

20. Kuwait relies heavily on the collection of administrative data for the design and implementation of policies and programmes relating to persons with disabilities. The Special Rapporteur noted a serious lack of sociodemographic data and statistics on persons with disabilities, and of data disaggregated by disability. The fact that the national census and household surveys do not include questions on disability, and the lack of any disability-specific surveys make it very difficult to inform, design and monitor adequate rights-based policies and responses for persons with disabilities. Moreover, there is little to no demographic data on non-Kuwaitis with disabilities, including stateless Bidoon.

21. To address this gap, the Government should include the short set of questions of the Washington Group on Disability Statistics in the 2020 census and in household surveys. For data collection on children with disabilities, the United Nations Children's Fund/Washington Group module on child functioning could be added in all other demographic surveys. This would allow the State to disaggregate all the national data that has been collected by disability and age, and to obtain internationally comparable data, which is also important in order to measure progress on the implementation of the Sustainable Development Goals.

B. Stigma and discrimination

22. Article 29 of the Constitution recognizes equality and non-discrimination on the basis of race, origin, language and religion, but does not include disability as a ground of discrimination. Similarly, Law No. 8/2010 does not include an overall prohibition of discrimination on the basis of disability and does not state that denial of reasonable accommodation amounts to discrimination.

23. Article 22 of Law No. 8/2010 requires the Government to educate society about the rights of persons with disabilities, including by informing persons with disabilities and their families about entitlements, rights and services, by organizing awareness-raising campaigns for the general public, and by portraying a positive image of persons with disabilities in the media. The Special Rapporteur noted with appreciation the high-level political commitment and efforts of the Ministry of Information, in cooperation with the Public Authority for Disabled Affairs, to raise awareness about the rights of persons with disabilities. She praised the initiatives to counter negative perceptions of persons with disabilities and change society's views, and to support the inclusion of persons with disabilities in society through a series of public awareness-raising campaigns, films and programmes. Moreover, she noted the intention expressed by the Ministry of Awqaf and Islamic Affairs to raise public awareness about the rights of persons with disabilities during Friday prayer sermons.

24. Notwithstanding the above, cultural beliefs and a lack of awareness about disability continue to play a significant role in the way Kuwaiti society perceives persons with disabilities. For instance, the Special Rapporteur has received reports of children and adults with disabilities who continue to be hidden in their homes. She was also informed about women whose husbands divorced them when the wife acquired a disability, and about women and girls with disabilities who faced many barriers in their enjoyment of their rights in decisions relating to marriage, education and higher education.

25. During her visit, the Special Rapporteur noted the prevalence of the medical model of disability, with persons with disabilities continuing to be seen as "patients" in need of "constant care", and therefore considered as neither autonomous nor capable of managing

their own affairs. This approach is clearly reflected in Law No. 8/2010 and in the type of benefits and services provided to persons with disabilities. In particular, persons with severe cerebral palsy, intellectual or psychosocial disabilities are perceived as being incapable of making any contributions to the community or of participating in activities on an equal basis with others. Moreover, widespread perceptions that persons with disabilities are unable to work reinforces stereotypes and perpetuates their supposed dependency on caregivers by eliminating any expectation that they will enter the labour market. To tackle these issues, additional wide-scale awareness-raising programmes aimed at portraying a positive image of these groups of persons with disabilities are urgently needed.

26. The Special Rapporteur noted stark disparities and discrimination regarding the enjoyment of the rights of persons with disabilities between Kuwaiti nationals and non-Kuwaitis. For instance, Law No. 8/2010 does not apply to non-Kuwaiti citizens unless their mother is Kuwaiti, or at the discretion of the Public Authority for Disabled Affairs, despite the fact that that group represents 70 per cent of the population.

27. While the State indicated that it provides and remains open to providing services to anyone who requests them, including non-Kuwaitis with disabilities, the Special Rapporteur received numerous reports of discrimination against stateless Bidoon with disabilities, who are among the poorest groups living in Kuwait. Many of them reported being unable to register and obtain civil documentation issued by the Central Agency for Remedying Illegal Residents' Status, which is a prerequisite to accessing any services, unless they sign proclamations renouncing any claim to Kuwaiti nationality. Moreover, she received reports of reprisals against Bidoon families, including the withdrawal of civil documentation, after some of their members publicly complained about the lack of access to services for Bidoon with disabilities. Non-Kuwaitis and stateless Bidoon with disabilities should be provided with access to services on an equal basis with others, and assurances that they will not be subject to any kind of reprisals.

C. Accessibility

1. Accessibility to the physical environment

28. The State's policy on accessibility and universal design is governed by articles 1 (6), 20 and 21 of Law No. 8/2010 and is reflected in the Kuwaiti National Development Plan. In October 2017, Kuwait adopted its first Code on Universal Design, which specifies design and construction requirements for making new buildings accessible to persons with disabilities and other beneficiaries of the universal design concept. The Government has committed to gradually making all public buildings and infrastructure accessible and has designated reserved parking lots for persons with disabilities in the car parks of government buildings, malls and commercial centres.

29. While welcoming these positive developments, the Special Rapporteur observed that much public and private infrastructure that is open to the public and the public transport system in Kuwait remain not fully accessible to the diversity of persons with disabilities. She noted that most efforts are directed towards ensuring accessibility for persons with physical disabilities, while almost no efforts are made for persons who are blind or deaf or persons with intellectual disabilities to navigate the built environment. She encouraged the Government to continue its accessibility work, including with regard to public transport, and to establish time-bound benchmarks to achieve full accessibility of the built environment, including in the poorest neighbourhoods where non-Kuwaitis live.

2. Access to information and communication

30. The Special Rapporteur was pleased to learn about efforts made by the Ministry of Information to publish materials for persons with intellectual disabilities, introduce the use of audio description in the main television series on national television and provide sign language interpretation during the 9 p.m. news bulletin, official events, conferences and in times of emergency, as required by Law No. 8/2010. In fact, article 23 of the Law requires the Ministry of Information to take measures to ensure that sign language interpretation is provided when broadcasting the news, the sessions of the National Assembly and

conferences, within two years from the application of the Law. The Special Rapporteur was also informed that there are 95 trained sign language interpreters in the country.

31. Despite these provisions, the Special Rapporteur noted with concern that Kuwaiti Sign Language – which has existed since the 1960s – is not officially recognized as an official language, and that Arabic sign language is used instead, following a decision of the Ministry of Education to use a unified Arabic sign language as the official sign language of the country. Many deaf persons whose mother tongue is Kuwaiti Sign Language expressed serious concern about this situation, as the two languages differ considerably and Arabic sign language is much poorer in terms of signage. The Government must abide by its obligations stemming from articles 21 (b) and 24 (3) (b) of the Convention, including by accepting and facilitating the use of the sign language of the deaf persons' choice in official interactions, as well as facilitating the learning of sign language and promoting the linguistic identity of the deaf community.

32. In the area of information and communication technology, the Special Rapporteur welcomed the efforts of the Public Authority for Disabled Affairs to develop and implement web accessibility standards. Nevertheless, she noted that the use of alternative and augmentative technology for persons with disabilities remains very limited, and that there is a general lack of knowledge about existing low-cost communication methods to enable the participation of persons with cerebral palsy in society.

D. Participation of persons with disabilities

1. Political participation

33. According to the Electoral Law (Law No. 35), every Kuwaiti citizen who reaches the age of 21 has the right to vote, except for those who have been naturalized in the 20 years preceding the elections. Kuwait granted women the right to vote in 2005. A national civil identity card and nationality certificate are required to register to vote. Registered voters have the right to run for election if they are at least 30 years old. Article 82 of the Constitution provides that members of the National Assembly must, *inter alia*, “fulfil the voter’s qualifications in accordance with the Electoral Law” and have “sound reading and writing knowledge of Arabic”. The Government explained that persons with disabilities can participate in the electoral process and that in the event that a voter with disabilities is unable to mark his or her ballot personally, judges can appoint someone who will mark the ballot on the person’s behalf.

34. The Special Rapporteur is very concerned that the right to vote and to stand for election is intrinsically linked to legal capacity for persons with disabilities in Kuwait, and that those under guardianship measures are deprived of their political rights. Moreover, there appears to be no provision for voting by persons with disabilities who are unable to attend voting centres in person, including those who are hospitalized, institutionalized or unable to leave their homes. In order to guarantee that voting is conducted by secret ballot, accessibility measures should be introduced, such as through ballots in Braille and accessible voting booths. As required under article 29 of the Convention, information about the electoral process and political campaigns should be made accessible for all persons with disabilities, including in Kuwaiti Sign Language, Braille and Easy Read format for persons with intellectual disabilities. Special efforts should also be made to promote the participation of women and men with disabilities as candidates for public office.

2. Participation in decision-making processes

35. Articles 49, 50, 52 and 68 of Law No. 8/2010 provide for the representation of “public utility organizations and clubs in the disability field” as members of the Supreme Council for Disabled Affairs and the Friends of the Disabled. The Government supported the establishment of several societies and associations focusing on the participation of persons with disabilities in political, social and cultural life. In its initial report to the Committee on the Rights of Persons with Disabilities (para. 5), the State indicated that the committee responsible for the preparation of the report had organized two consultation meetings with relevant Kuwaiti non-governmental organizations.

36. The Special Rapporteur found that despite these initiatives, there is no formal mechanism to consult and engage directly with persons with disabilities themselves or with their representative organizations. As persons with disabilities in Kuwait are seldom represented in mainstream or disability-specific policy and decision-making processes, their voices and opinions are rarely taken into account in such forums. Further efforts are required to hold consultations and ensure the representation of the diversity of persons with disabilities in decision-making processes and bodies, including in the National Assembly. When organizing consultations, it is essential to ensure the accessibility of all facilities, procedures and information relating to public decision-making and consultations. The Public Authority for Disabled Affairs should work on the collective empowerment of organizations of persons with disabilities and engage directly with them rather than consulting primarily with service providers, parents and other relatives of persons with disabilities. The meaningful participation of women, children and young people with disabilities in all decisions affecting them must be particularly strengthened.

37. As required under article 29 of the Convention, the Special Rapporteur encouraged the Government to promote and support the establishment of organizations of persons with disabilities from all disability sectors, including those with psychosocial and multiple disabilities, who are currently underrepresented by existing organizations. Moreover, she urged Kuwait to take measures to increase the participation of persons with disabilities in public functions.

E. Education

38. Articles 13 and 40 of the Constitution guarantee the right to education to all Kuwaiti nationals, while article 1 of Law No. 11/1956 on compulsory education, amended in 2014, affirms that primary education is compulsory and free for all Kuwaiti children. Moreover, Law No. 8/2010, amended in 2016, refers to the right to education on an equal basis with others (arts. 9–11). The right to education for children with disabilities is also recognized in Law No. 21/2015 on the protection of the rights of the child.

39. Kuwait started providing education for Kuwaiti children with disabilities in the 1950s by establishing special schools for blind, deaf and other groups of persons with disabilities. As of 1995, the country sought to integrate children with disabilities in the general education system by establishing special separate classes within public ordinary schools. According to data of the Ministry of Education, in 2018 there were 16 special schools for children with disabilities, which followed the general education curriculum (including a kindergarten and schools for blind and deaf students, slow learners and those with physical disabilities) and 13 schools for children with intellectual disabilities, Down syndrome and autistic children, which implemented a special education programme, with a total of 1,719 pupils with disabilities enrolled. Moreover, as of October 2010, the Public Authority for Disabled Affairs provided educational support and follow-up to another 8,137 children and students with disabilities aged between 3 and 21 years, through private special schools accredited by the Authority. Such private special schools included 29 kindergartens, 15 Arabic language schools and 17 bilingual schools. Children with disabilities who graduate from these schools can pursue vocational training, but cannot access higher education.

40. The Special Rapporteur welcomed the efforts of the Public Authority for Disabled Affairs to move towards an inclusive education system, including through the adoption of a plan of action for educational support for the inclusion of learners with disabilities in public education schools, in line with the Kuwait Vision 2035 National Development Plan. She also appreciated the Government's project to establish, within the framework of its national development plans, a centre of excellence to include persons with learning disabilities in mainstream education, and the granting of up to 50 scholarships per year to university students with disabilities to study abroad.

41. Despite these encouraging steps, she noted that in practice there is no inclusive education for children with disabilities in Kuwait yet, as these children attend public or private special education schools only, or are enrolled in special classes within private

mainstream schools. As the State covers the school fees for Kuwaiti children with disabilities enrolled in private schools (over 7,000), which is not the case for children without disabilities, this subsidy has prompted a proliferation of private special schools and increased tuition fees, while there are no incentives to transform the education system into an inclusive one. This practice has become a barrier preventing investment in the development of an inclusive education system. Moreover, despite recent efforts by the Public Authority for Disabled Affairs, monitoring the quality of education in private schools remains a challenge.

42. Kuwait needs to completely transform its education system to make it truly inclusive for all children, including those with disabilities. To achieve this, the Special Rapporteur encouraged the Government to develop a national inclusive education strategy and a plan to implement such an inclusive system in public and private schools with time-bound deadlines. This includes providing all schools with sufficient numbers of specialist teachers and professionals offering individual support to children with disabilities, and training regular schoolteachers in mainstream schools on how to support children with disabilities, as was recommended by the Committee on the Rights of the Child in 2013 (CRC/C/KWT/CO/2, para. 56 (c)).

43. Kuwait has an international obligation to ensure that all children, including those with disabilities, have access to free and compulsory quality basic education, regardless of their nationality or social origin. In 2016/17, the Government allocated 6.5 million Kuwaiti dinars (US\$ 21,385,000) to a fund to support non-Kuwaiti students with financial difficulties. The Special Rapporteur expressed concern about the lack of official data on the number of children with disabilities outside the school system. She received information that, as the State does not cover school fees for non-Kuwaiti children with disabilities to attend private schools, apart from a few exceptional cases, they are de facto excluded from compulsory education. This is the case of many stateless Bidoon children with disabilities whose parents lack the financial means to pay the school fees. Only some can rely on private charities to cover the fees.

44. While the Special Rapporteur welcomed the efforts of the Ministry of Higher Education to support access by 297 Kuwaitis with disabilities to higher education in 2018 and 2019 and the provision of 96 scholarships to date to study abroad, she notes that students with disabilities reported barriers to accessing higher education, including at Kuwait University. She hopes that the new university campus that is currently under construction will be fully accessible to the diversity of persons with disabilities.

F. Work and employment

45. Chapter four of Law No. 8/2010 regulates the organization of employment and vocational training for persons with disabilities. Article 14 of this Law provides that public, private and oil sector employers with a workforce of at least 50 Kuwaiti employees must recruit a minimum of 4 per cent of Kuwaiti workers with disabilities. The State provides incentives to employers who exceed the minimum quota. The Public Authority for Disabled Affairs, in cooperation with the Public Authority for Manpower, lists companies that violate this provision and can take administrative actions against them. According to the Law, employers are required to make the necessary accommodation and provide a suitable work environment for persons with disabilities, who also enjoy several benefits, such as reduced working hours, extra vacations and early retirement. The Public Authority for Disabled Affairs has also adopted an employment strategy to increase the participation of persons with disabilities in the labour market, and has established a database of persons with disabilities seeking employment.

46. The Special Rapporteur welcomes the initiatives taken by the authorities to improve access to jobs for persons with disabilities. However, she was informed that in 2018, there were only 19 persons with disabilities employed in the private and the oil sectors, and 283 in the public sector. Factors explaining such low numbers include societal views that persons with disabilities should be “cared for” instead of working, the fear of losing the disability pension (see sect. G below), the inability to complete their education, and the lack

of an inclusive environment. Non-Kuwaitis with disabilities have even fewer opportunities to enter the labour market, as priority is given to their Kuwaiti peers. Moreover, they are not protected under Law No. 8/2010 and the 4 per cent quota does not apply to them.

47. The participation of persons with disabilities in employment is fundamental for their inclusion in society, to enhance their self-esteem and to transform societal perceptions. The Special Rapporteur urged the Government to enforce the quota on employment and to make more effort to enable the effective inclusion of all persons with disabilities in the workplace, for instance by ensuring that all workers with disabilities are provided with reasonable accommodation at all levels of employment, including in recruitment, career development and vocational training. She also encourages the authorities to do more to ensure the promotion of persons with disabilities in their careers, once they have access to employment.

G. Social protection

48. Kuwait has a very comprehensive social protection system for Kuwaitis with disabilities, and allocates significant financial resources to it. The system covers a wide range of benefits targeting persons with disabilities, which vary depending on whether a person's impairment is mild, moderate or severe. According to chapter seven of Law No. 8/2010, these can include an allowance for domestic help or a driver, a housing grant, an allowance for those under 21 years, and a disability pension for those over 21 years who do not work. Moreover, there are additional benefits for workers with disabilities and their family members, such as reduced working hours, extra vacation time and a monthly allowance for female caregivers.

49. While disability benefits are fundamental to ensure income security for persons with disabilities, they should be designed in a way that promotes the inclusion and active participation of persons with disabilities within their communities. In this regard, the Special Rapporteur expressed concern that the Kuwaiti social protection system creates disincentives to the inclusion of persons with disabilities in education and in the labour market, as persons with disabilities must choose between keeping a stable disability pension or seeking employment or education opportunities for which accommodation and services do not exist. Moreover, it is problematic that many benefits are allocated to caregivers (normally a close relative) rather than to persons with disabilities themselves. The Special Rapporteur received reports that often, caregivers keep the funds for themselves and/or discourage their relatives with disabilities from accessing education and employment in order to maintain such benefits. She was also informed of the situation of mothers who, following a divorce, continue to take care of their children with disabilities, while the father becomes the official recipient of the caregiver benefit.

50. According to information provided by the Public Authority for Disabled Affairs, as of October 2018, the Authority had registered 45,121 Kuwaitis and 6,567 non-Kuwaitis as persons with disabilities (including 1,753 stateless Bidoon), as well as 3,537 as caregivers. There are nine medical committees composed of specialist doctors from the Ministry of Health and Kuwait University who are in charge of the disability assessment and determination, which is based solely on a medical assessment. They issue disability certificates determining the type and degree of a person's impairment. The Public Authority for Disabled Affairs then issues a disability card based on the disability certificate issued by the competent technical committee. The authorities and civil society organizations identified several challenges related to those processes, including the use of different determination criteria, the lack of training of staff conducting the assessment, and delays in the issuance of disability certificates. The Public Authority for Disabled Affairs has requested the Special Rapporteur's technical assistance to address these challenges and to share good practices from other countries. She has accepted this request. She also urged the authorities to delink a person's disability status from the reception of social protection benefits, as this generates pressure to reduce the number of persons with disabilities being granted disability status due to the high costs of benefits.

51. The Special Rapporteur noted that, as persons with psychosocial disabilities or with a mental health problem are not considered persons with disabilities under Law No. 8/2010 (art. 1), they cannot obtain a disability certificate. This is discriminatory, not only because they cannot access the range of available disability benefits under the social protection scheme unless they are identified as persons with intellectual disabilities in the disability assessment, but also because they are “treated” according to a medical approach under the responsibility of the Ministry of Health. After the visit, the Public Authority for Disabled Affairs reported that some 311 certificates specifically tailored to persons with psychosocial disabilities had been issued.

52. Moreover, the Special Rapporteur was informed that many Kuwaitis with disabilities manage to obtain the benefits to which they are entitled under Law No. 8/2010 or to have their disability status recognized only after successful litigation in court. For instance, one law firm alone has represented more than 400 persons with disabilities in court in cases relating to non-respect of the provisions of this Law. The Public Authority for Disabled Affairs reported that, of the 3,006 lawsuits that had been filed against it, 724 had been settled in its favour and 225 in favour of the claimants. The remaining lawsuits were pending a decision.

H. Living independently in the community

53. Kuwait has an advanced housing welfare system for persons with disabilities. The Housing Welfare Law (No. 47/1993) and articles 32 to 34 of Law No. 8/2010 establish that Kuwaitis with disabilities and their families who meet certain conditions are entitled to a housing grant and have priority over the allocation of real estate loans from the Kuwait Credit Bank to build or purchase a home.

54. Article 61 of Law No. 21/2015 on the protection of the rights of the child mandates the Public Authority for Disabled Affairs to establish institutions and facilities to rehabilitate children with disabilities through the issuance of construction licences. Information on the total number of residential institutions with licences issued by the Authority to provide residential care for children with disabilities was not available. The Authority directly manages four care and rehabilitation centres for persons with disabilities which, at the time of the visit, were providing day care to 183 people and residential care to another 594. The Ministry of Health also manages rehabilitation centres, and private charities run several residential institutions.

55. The Special Rapporteur stresses that all institutions segregate and isolate individuals from their communities, deny their choice and control over living and support arrangements, and significantly restrict their day-to-day decisions. Persons with disabilities, including those with high support needs, must have the opportunity to live in their communities, choose their place of residence and with whom they live, as required under article 19 of the Convention. Institutionalization is particularly detrimental for children who, according to article 23 (5), should be provided with care within the immediate or wider family, and failing that, within the community in a family setting.

56. During a visit to a residential care and rehabilitation centre in South al-Sabahiya managed by the Public Authority for Disabled Affairs, the Special Rapporteur noted with concern the conditions in which persons with disabilities were living: wearing uniforms and treated as patients, sleeping in hospital-type beds and wards without any personal items, constantly being monitored and following a strict daily schedule. She was informed that most of the residents did not receive visits from their families or had been abandoned. Moreover, she was alarmed by the conditions in the men’s rehabilitation ward, where the residents were kept in “sitting rooms” under permanent surveillance. The common showers did not ensure the privacy of residents and, despite having been recently cleaned, smelled foul.

57. Against this background, the Special Rapporteur noted that the Public Authority for Disabled Affairs is moving in the right direction by gradually reducing the number of residents in such institutions, in favour of non-residential services, including early intervention, day care and vocational training.

58. She urges the Government to adopt a concrete deinstitutionalization plan, inclusive of a moratorium on new admissions, with clear benchmarks, to close all existing public and private institutions and to support the transition to community-based services and supported living arrangements for persons with disabilities. The deinstitutionalization of children with disabilities should be a political priority.

I. Health

59. Article 15 of the Constitution guarantees the right to health to all its citizens, including those with disabilities. This right is also referred to in articles 7, 8 and 12 of Law No. 8/2010. Kuwait has good health-care infrastructures, distributed among primary health-care centres, six general hospitals and a number of national specialized hospitals and clinics. Medical services provided to persons with disabilities include preventive care, curative care, rehabilitation and psychiatric services. The Physical Medicine and Rehabilitation Hospital is the primary provider of therapy and rehabilitation for persons with disabilities. Rehabilitation is provided free of charge to Kuwaitis with disabilities, while other residents have to rely on public charities and other funds.

60. The Special Rapporteur noted the efforts of the Ministry of Health to provide access to quality health care to Kuwaitis with disabilities, including in the area of sexual and reproductive health and rights and by supporting access to specialized treatment abroad. She was pleased to learn that forced sterilization of women with disabilities is prohibited by law. Nevertheless, she was informed that non-Kuwaitis with disabilities have access to medical care and medication of a lower quality than Kuwaiti nationals, or else they have to resort to private health care at their own expense, which many are unable to afford.

61. The Government provides some assistive devices based on the technical decision of the Public Authority for Disabled Affairs. However, the list of available devices is limited to hearing aids and only a few categories of wheelchair. As part of its efforts to implement Sustainable Development Goal 3, which is to ensure healthy lives and promote well-being for all at all ages, the Special Rapporteur encourages Kuwait to incorporate the Priority Assistive Products List of the World Health Organization (WHO) through the development of a national assistive technology policy responding to the needs of the diversity of persons with disabilities.

62. In the area of mental health, the Special Rapporteur was informed about ongoing efforts to transition from institutional care to community-based mental health care, which is a positive development. However, during her visit to the Kuwaiti Centre for Mental Health, she noted that 46 persons with psychosocial or intellectual disabilities had been locked in the institution's wards for "chronic patients" for more than 10 years, in overcrowded rooms that had little ventilation or natural light, and where residents appeared to engage in few daily activities. In the children's ward, she was concerned to see that children as young as 11 years old were receiving strong antipsychotic medication and electroconvulsive therapy. She was also concerned to learn that many children and adults with psychosocial disabilities at this Centre receive psychiatric care based on consent provided by their relatives, including for the administration of medication and electroconvulsive therapies. The Special Rapporteur urges Kuwait to take immediate action to close the five wards for chronic patients at this Centre (97 beds in total) and to ensure that all health-care interventions are provided on the basis of the free and informed consent of the persons concerned. In January 2019, the parliament passed Law No. 9/2019 on mental health, which reportedly requires the Ministry of Health to set up residential mental health centres and grant licences to private mental health centres. The Special Rapporteur expresses concern about this new Law and recommends instead implementing supported housing programmes that ensure the right of all persons with disabilities to live independently in the community.

J. Denial of legal capacity

63. Equal recognition of the legal capacity of persons with disabilities is a core obligation under article 12 of the Convention, which covers both the capacity to be a rights holder and to act in accordance with the law. Kuwait introduced an interpretative declaration on article 12 (2) of the Convention stating that the enjoyment of legal capacity shall be subject to the conditions applicable under Kuwaiti law.

64. The Special Rapporteur noted with concern that article 107 of the Civil Code restricts the legal capacity of persons with disabilities and appoints a guardian, called judicial assistance, to those who “suffer from severe physical incapacity, particularly if deaf and dumb, deaf and blind, or blind and dumb”. Furthermore, article 109 stipulates that “if a person cannot, due to physical condition or illness, conclude a disposal even with judicial assistance, the court may permit the judicial assistant to conclude it unilaterally, on that person’s behalf, if failure to conclude would threaten the person’s interests”. Similarly, she was informed that blind persons must be accompanied by a third person to act as a witness when they carry out certain commercial transactions, such as opening a bank account, which limits those persons’ capacity to act on their own. Among its competencies, the Ministry of Justice is responsible for the “receipt and management of legacies that go to Kuwaiti minors and incompetent persons, taking care of their affairs in accordance with the provisions of law”.⁵

65. The Special Rapporteur would like to stress that, far from being protected, persons placed under this regime are deprived of the legal capacity to exercise their rights, and are at risk of abuse and segregation. In Kuwait, it is normally the relatives and extended family who represent the interests of persons with disabilities, with the person him or herself having little or no voice in decisions affecting him or her. The Special Rapporteur strongly urges Kuwait to withdraw its interpretative declaration on article 12 (2) of the Convention and to review all its legislation in order to eliminate the guardianship regime. Furthermore, the State should ensure that support for the exercise of legal capacity is available to all persons with disabilities, including those with intellectual or psychosocial disabilities, regardless of the level of support they may require to take informed decisions.

K. Access to justice

66. According to legislative decree No. 23/1990 regulating the judiciary, the courts of Kuwait comprise the Court of Cassation, the Court of Appeals, the Court of First Instance and the Court of Summary Procedure. While article 166 of the Constitution guarantees access to justice for everyone without discrimination, there are no legal provisions or regulations on how to provide procedural accommodation to persons with disabilities in all legal proceedings. In its initial report to the Committee on the Rights of Persons with Disabilities, the State indicated that article 166 of the Constitution applies to persons with disabilities, “with the exception of the mentally disabled on whose behalf an agent is appointed to act before the courts” (para. 91). The report also referred to the provision of training courses for ministry officials and other public authorities who work with or look after the interests of persons with disabilities (para. 92).

67. In line with articles 12 and 13 of the Convention, Kuwait has the obligation to ensure that all persons with disabilities, including those with psychosocial disabilities, enjoy full legal capacity and have effective access to justice on an equal basis with others, including through the provision of procedural and age-appropriate accommodations to facilitate their role as participants in all legal proceedings.

68. The Chief Justice informed the Special Rapporteur that all court premises are accessible for persons with disabilities, and that each court has a priority office or lane to assist persons with disabilities and older persons in their proceedings. Despite these

⁵ Kuwait, Ministry of Justice, “Competencies of the Ministry of Justice”. Available from www.moj.gov.kw/en/pages/02.aspx (accessed on 12 April 2019).

physical accessibility measures, there are neither measures to provide access to information and documentation in accessible formats, nor any procedural accommodations in place.

IV. International cooperation

69. Kuwait plays an active role in humanitarian action and international development efforts through the Kuwait Fund for Arab Economic Development, which provides loans to more than 100 developing countries.⁶ In accordance with article 32 of the Convention, official development assistance should be accessible to and inclusive of persons with disabilities. While the contribution of Kuwait to international cooperation efforts is noteworthy, it should include the rights of persons with disabilities as a cross-cutting conditionality in all its programmes and strategies.

70. In relation to the United Nations system, the Special Rapporteur acknowledged the important role played by UNDP in Kuwait to strengthen the Public Authority for Disabled Affairs and other government entities within the framework of a three-year project entitled “Achieving Kuwait 2035 Vision towards Persons with Disabilities”, which was coming to an end in December 2018. She was pleased to learn that UNDP support to the Authority would continue until 2022. The Special Rapporteur noted different levels of awareness about the rights of persons with disabilities among members of the United Nations country team in Kuwait, including funds and agencies covering the country from regional offices. She encouraged them to mainstream the rights of persons with disabilities in all their strategies, assessments and programmes, to make all their projects inclusive of and accessible to persons with disabilities, to target persons with disabilities in all awareness-raising campaigns and to recruit persons with disabilities onto their staff, in line with the United Nations Disability Inclusion Strategy.

V. Conclusions and recommendations

A. Conclusions

71. The adoption of disability-specific legislation and the ratification of the Convention in 2013 are fundamental steps to promote and protect the rights of persons with disabilities in Kuwait. The Special Rapporteur acknowledged the keen interest, commitment and political will of the authorities to improve the situation of all persons with disabilities in Kuwait, who also recognized the need to strengthen efforts and capacities to ensure long-term sustainability in all areas of intervention.

72. While Kuwait allocates significant financial resources to provide benefits for Kuwaitis with disabilities, it does not sufficiently invest in designing and developing services close to where people live and in creating incentives to pursue education and employment. Therefore, Kuwait needs to structurally transform its system so that it can support all persons with disabilities in Kuwait, including non-nationals, to actively participate in society, through the provision of accessible, inclusive community-based support in all areas, including health care, education and employment.

73. The implementation of the Sustainable Development Goals and the Kuwait Vision 2035 National Development Plan constitute good opportunities to foster development that is inclusive of persons with disabilities and to achieve the realization of the rights of persons with disabilities in Kuwait.

74. The Special Rapporteur looks forward to a continued dialogue and collaboration with Kuwait on the implementation of her recommendations. She hopes that her visit and report will assist in promoting the inclusion of persons with disabilities and in making the shift necessary to create a truly inclusive society by 2035.

⁶ See www.kuwait-fund.org/en/web/kfund (accessed on 12 April 2019).

B. Recommendations

Legal and institutional framework

75. The Special Rapporteur recommends that the Government:

(a) Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, 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, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

(b) Withdraw its interpretative declarations on articles 12 (2) and 19 (a) and its reservations to articles 18 (1) (a) and 23 (2) of the Convention on the Rights of Persons with Disabilities;

(c) Conduct a comprehensive review of current legislation to fully harmonize the Kuwaiti normative framework with the provisions of the Convention, including Law No. 8/2010 on the rights of persons with disabilities, Law No. 21/2015 on the protection of the rights of the child, the Civil Code, the Code of Civil Procedure and the Penal Code;

(d) Ensure that all public policies, including disability-specific policies, adopt a human rights-based approach to disability and aim to remove barriers that impede the effective and full participation of all persons with disabilities in Kuwait;

(e) Within the framework of the Kuwait Vision 2035 National Development Plan, ensure that the 2020–2025 strategy for persons with disabilities includes time-bound benchmarks and effective implementation plans and accountability frameworks, along with the necessary budgetary and fiscal measures;

(f) Establish a governmental coordination mechanism, under the overall direction of the Public Authority for Disabled Affairs, with responsibility to ensure that all line ministries implement the Convention and national legislation on disability, and mainstream disability within their respective policies and institutions, as required under article 33 (1) of the Convention. This could be done through the nomination of full-time disability and accessibility focal points in each ministry;

(g) Consider designating the National Council for Human Rights as the independent mechanism to monitor the implementation of the Convention, as required under article 33 (2).

Data collection

76. The Special Rapporteur recommends that the Government:

(a) Ensure the collection of sociodemographic data and statistics on persons with disabilities in Kuwait, disaggregated at a minimum by sex, age and nationality, to inform public policies and their implementation;

(b) Include the short set of questions of the Washington Group on Disability Statistics in the 2020 population census and in household surveys, and the United Nations Children's Fund/Washington Group module on child functioning in all other demographic surveys to collect data on children with disabilities.

Stigma and discrimination

77. The Special Rapporteur recommends that the Government:

(a) Include a general prohibition of discrimination on the basis of disability in the Constitution and Law No. 8/2010, and specify that the denial of reasonable accommodation amounts to discrimination;

(b) Amend the definition of persons with disabilities in Law No. 8/2010 and language that portrays persons with disabilities as objects of care rather than as rights holders, and extend the application of the law to all non-Kuwaitis with disabilities, including stateless Bidoon;

(c) Eliminate stigma and prejudice against persons with disabilities, including those with intellectual or psychosocial disabilities, through: (i) wide-scale public awareness-raising campaigns in the media portraying a positive image of persons with disabilities as rights holders; (ii) targeting women and girls with disabilities in awareness-raising programmes to support their empowerment and enjoyment of their rights; and (iii) training government officials, civil servants, service providers and civil society on how to implement the Convention and the rights-based approach to disability.

Accessibility

78. The Special Rapporteur recommends that the Government:

(a) Continue the process of transforming the built environment and public transport, as required by the Kuwaiti Vision 2035 National Development Plan and the Code on Universal Design, to make them fully accessible for the diversity of persons with disabilities, including in the poorest neighbourhoods where non-Kuwaitis with disabilities live;

(b) Adopt a time-bound plan to achieve the full accessibility of the built environment as soon as possible and allocate funds for it;

(c) Recognize Kuwaiti Sign Language as an official language in Kuwait, facilitate its learning and use in official and other interactions, and promote and respect the linguistic identity of the deaf community;

(d) Enhance knowledge about communication methods to enable the participation of persons with limited communications skills, including those with cerebral palsy, in society and expand the use of alternative and augmentative technology for persons with disabilities.

Participation

79. The Special Rapporteur recommends that the Government:

(a) Make information and materials about the electoral process and political campaigns available for all persons with disabilities in accessible formats, including in Braille, Easy Read format and Kuwaiti Sign Language;

(b) Introduce accessible measures, such as Braille ballots and accessible booths, to guarantee the right to vote by secret ballot for all persons with disabilities;

(c) Train all stakeholders in the electoral system on the right to vote of persons with disabilities, including training of electoral organizers and polling station staff on electoral accessibility and the reception and support of persons with disabilities in polling stations;

(d) Promote the effective and full participation of women and men with disabilities as candidates for public office and in the conduct of public affairs;

(e) Establish a mechanism to consult directly and engage actively with the diversity of organizations of persons with disabilities in decision-making processes and bodies. When organizing consultations, ensure the accessibility of all facilities, procedures and information relating to public decision-making and consultations;

(f) Support the creation and respect the independence of organizations of persons with disabilities from all sectors, including those with severe, multiple intellectual or psychosocial disabilities, and develop their skills.

Education

80. The Special Rapporteur recommends that the Government:

(a) Review the Kuwaiti education system to ensure that it promotes the inclusion of all children and young people, including those with disabilities, through: (i) the adoption of a national strategy and a time-bound action plan on inclusive quality education; (ii) adjustments to the built environment, adaptation of educational materials and learning methodologies, and teacher training; and (iii) provision of support and accommodation for all children and young people with disabilities, including those with multiple disabilities;

(b) Adopt measures to facilitate and ensure the access of all children with disabilities to free and compulsory primary education, with appropriate support in inclusive regular schools, including for non-Kuwaiti children with disabilities;

(c) Train all schoolteachers, education professionals and school assistants on providing inclusive education and individual support, creating inclusive and accessible environments and giving due attention to the specific situation of each child;

(d) Collect data on the number of children with disabilities currently outside the school system, ensure that none is labelled as “uneducable” and guarantee their access to education on an equal basis with others;

(e) Remove existing barriers that prevent the diversity of students with disabilities from accessing higher education on an equal basis with others, including by making the new campus of Kuwait University fully accessible, and provide students with the support they need.

Work and employment

81. The Special Rapporteur recommends that the Government:

(a) Enforce the application of the 4 per cent quota for employment of persons with disabilities as required under article 14 of Law No. 8/2010;

(b) Take measures to enable the effective inclusion of persons with disabilities in the workplace, including by ensuring that reasonable accommodation is provided at all levels of employment to guarantee the recruitment and career development of persons with disabilities.

Social protection

82. The Special Rapporteur recommends that the Government:

(a) Review the Kuwaiti social protection system to ensure that it promotes active citizenship, social inclusion and community participation instead of segregated solutions for persons with disabilities, and that it enables persons with disabilities to access appropriate community-based services, devices and other assistance for disability-related needs;

(b) Design disability benefits in such a way that they promote the independence and social inclusion of persons with disabilities and do not limit their full and equal enjoyment of other human rights and fundamental freedoms;

(c) Consider the extra costs of living borne by persons with disabilities when allocating benefits and determining poverty lines;

(d) Review the disability assessment process managed by the Public Authority for Disabled Affairs to make it more comprehensive, including by analysing the impact of social barriers to the participation of persons with disabilities, and train staff on its application;

(e) Ensure that eligibility criteria and targeting mechanisms do not exclude persons with psychosocial disabilities and do not discriminate directly or indirectly against persons with disabilities. Disability determination, when established, must respect the rights and dignity of persons with disabilities.

Living independently in the community

83. The Special Rapporteur recommends that the Government:

(a) Engage in a process of deinstitutionalization with clear benchmarks and timelines, where the deinstitutionalization of children with disabilities is the top priority, and establish a moratorium on new admissions;

(b) Progressively close all public and private institutions and transform the existing supply market of services for persons with disabilities into community-based services, including independent living, following a time-bound plan;

(c) Establish a plan to close the South al-Sabahiya residential care centre and take immediate measures to improve the living conditions and dignity of persons with disabilities during the transitional phase.

Health

84. The Special Rapporteur recommends that the Government:

(a) Improve access to health care for persons with disabilities as close as possible to their homes, through comprehensive rights-based medical care, including access to reproductive health services;

(b) Develop a national assistive technology policy that incorporates the WHO Priority Assistive Products List to expand the current supply of essential assistive devices and technical aids;

(c) End all involuntary mental health treatment and hospitalization and ensure that all health-care interventions are provided on the basis of the free and informed consent of the persons concerned;

(d) Take immediate measures to close the chronic patients' wards in the Kuwaiti Centre for Mental Health, implement supported housing arrangements to relocate the residents and guarantee their right to live independently in the community;

(e) Invest in the development of community-based health-care services that are respectful of the rights and dignity of persons with disabilities.

Denial of legal capacity

85. The Special Rapporteur recommends that the Government:

(a) Guarantee the exercise of legal capacity to all persons with disabilities, including those with psychosocial or intellectual disabilities, in all aspects of life, and provide them with access to the support they may require to take informed decisions;

(b) Adopt an enabling policy framework to ensure the effective access of persons with disabilities to appropriate supported decision-making arrangements;

(c) Conduct a comprehensive law review to abolish or revoke all laws and regulations that directly or indirectly restrict the legal capacity of persons with disabilities and/or allow for substituted decision-making, including those referred to in Law No. 8/2010, the Civil Code, the Penal Code and other national legislation;

(d) Promote and provide training on the right to legal capacity of persons with disabilities for State authorities, judges, notaries, service providers, persons with disabilities, their families and other relevant actors.

Access to justice

86. The Special Rapporteur recommends that the Government make all judicial proceedings accessible to all persons with disabilities, including through the provision of legal aid and information in accessible formats, Kuwaiti Sign Language interpretation and protocols for procedural and age-appropriate accommodation.

International cooperation

87. The Special Rapporteur recommends that the Government:

(a) Include in the strategic partnership framework with the United Nations provisions for the inclusion of persons with disabilities in all pillars of the Kuwait Vision 2035 National Development Plan, and mainstream disability in all cooperation strategies and programmes in Kuwait;

(b) Include the rights of persons with disabilities in all the programmes, strategies and projects of the Kuwait Fund for Arab Economic Development and make disability a conditionality to receive international development assistance.

88. The Special Rapporteur recommends that the United Nations country team:

(a) Support the efforts of the State to achieve compliance with the Convention on the Rights of Persons with Disabilities and implement the Sustainable Development Goals in an inclusive and cross-cutting manner;

(b) Mainstream the rights of persons with disabilities in all its programmes, assessments, strategies and projects in Kuwait, make them accessible to persons with disabilities and recruit persons with disabilities onto their staff, as required by the United Nations Disability Inclusion Strategy.
