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STATEMENT

BY

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BEFORE THE

THIRD COMMITTEE

ITEM 71: HUMAN RIGHTS QUESTIONS

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

(c) Human rights situations and reports of special rapporteurs and representatives;

MONDAY, 31 OCTOBER 2005

- Kuwait expresses its appreciation for the reports submitted by the special rapporteurs. Their review by the committee will give them a great impact in the debate on human rights questions.
- With regard to the great importance that the State of Kuwait attaches to the respect of human rights, several procedural steps were taken to ensure that all citizens and resident aliens enjoy their rights provided for by the Kuwaiti constitution and legislative laws. For instance, since 2001, an annual report on human rights is prepared by the Committee for the Defense of Human Rights in Kuwait's National Assembly, which looks into the complaints dealing with the violation of human rights in Kuwait.
- Last year, the law establishing the Kuwaiti Association on Human Rights was approved. This association has proved its vital role in defending human rights and alleviating human suffering on victims whose rights were violated.

- Kuwait spares no efforts to protect the rights of all resident aliens and migrant workers living on its territory. In this regard and pursuant to decision 568 taken by the Council of Ministers, an Ad Hoc Ministerial Committee was established to look into the relations between the migrant workers and the private sector with a view to protect their rights, as some alarming signs have appeared in the private employment sector, which are considered incompatible with Kuwait's commitment to protect human rights and defend human dignity. An agreement was reached concerning minimum wages, which will be effective as of the beginning of next month. The Ministry of Interior has concluded a unified contract for domestic employment covering all parties involved, which are the employer, domestic servant and employment agency.
- Previously, the High Commission on Employment Regulation, which includes representatives of several government agencies, has issued a decision prohibiting totally the recruitment of children under the age of 18 in camel racing and, in lieu, to resort to a special device. The decision asserts that the infringer will be severely penalized.

- With respect to international cooperation and coordination, and in order to train those in charge of the judicial body; the State of Kuwait has concluded, through the Kuwaiti Institute for Judicial and Legal Studies, a memorandum of understanding with the International Committee of the Red Cross to establish a regional center for the training of judges and prosecutors in the field of international humanitarian law. This memorandum provides for the organization of a regional seminar and the establishment of a documentation center for the international humanitarian law and the related conventions, as well as all publications, research works and recommendations on this matter.
- Kuwait's delegation has looked into the reports submitted under the items to be reviewed, particularly the report of the special rapporteur of the Commission on Human Rights on civil and political rights, including questions independence of judiciary administrations of justice, impunities, in addition to the judicial measures presented to the Iraqi special tribunal for the trial of the members of the former regime. With respect to the doubts expressed by the report on the legality of the court, Kuwait would like to point out that this court was established in accordance with a constitutional legislation adopted by Iraq's National Assembly and

established pursuant to the law on the administration of the Iraqi State during the transitional process as endorsed by the United Nations in Security Council resolution 1546.

- Kuwait would like to recall that the accused individuals prosecuted by the court are those who violated human rights laws and international humanitarian law, as well as those who perpetrated the crime of invading Kuwait in 1990 along with the resulting destruction and pillage followed by the massacre of Kuwaitis and third countries nationals who were buried in mass graves. To this date, DNA tests have identified the remains of 227 persons among them women. More mass graves are being discovered in Iraq until now.
- Kuwait's delegation takes this opportunity to assert that the State of Kuwait welcomes the trial of all officials of the former Iraqi regime for their crimes against humanity, especially those perpetrated against the Iraqi people, as well as those against the Kuwaiti people.
- The Palestinian people in the occupied territory live under difficult conditions as a result of the continued serious violations of human

rights by the Israeli authorities. The information included in the report prepared by the special rapporteur and entitled "*Israeli practices violating the human rights of the Palestinian people*" and the report of the High Commissioner on the "*Question of the Palestinian pregnant women delivering at Israeli checkpoints,*" should be considered as a clear evidence on the suffering of the Palestinian people and its need to struggle for obtaining all its inalienable rights.

- To conclude, Kuwait looks forward to a true cooperation and partnership in order to implement all obligations related to the promotion and protection of human rights on both national and international levels. The ongoing consultations about "*The Human Rights Council*" are considered as an addition proof, for the international community, of the insufficiency of the available means and mechanisms capable of protecting human rights. Kuwait hopes that the General Assembly would reach an agreement on the establishment of the suggested council.