

INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR)

UPR SUBMISSION KUWAIT

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Executive summary

The issue of conscientious objection to military service was not raised with Kuwait during the first two cycles of the UPR. At the time, obligatory military service was suspended, but it was reintroduced in 2017, so it is important at this stage to raise with the State the lack of any provision for conscientious objectors.

1. This submission was prepared in July 2019, on the basis of the latest information available.

2 From independence in 1961, Kuwait had a tradition of obligatory military service. However in 2001 the Military Conscription Act “was repealed in its entirety following the promulgation of Ministerial Decree No. 1518/2001, annulling Act No. 102/1980, because of difficulties and problems with its implementation, and temporarily exempting Kuwaitis from military service for a non-specified period of time.”

3 Subsequently, every two or three years there were discussions of proposals to reintroduce military service were reported, but nothing resulted until the promulgation of a new Military Service Law in May 2015.

4 The new Law came into effect on 10th May 2017. With effect from that date, all male Kuwaitis reaching the age of 18 must register for the obligatory 12 months (the first four of which are devoted to training) of military service within 60 days. Those who fail to do so face a travel ban and extensions to the duration of military service when they are eventually conscripted; those who evade conscription until the maximum age may be punished by a sentence of imprisonment of up to three years and a fine of KD 5,000.

5 The pre-2001 legislation included clauses exempting breadwinners and the only male child of any family, that “the citizen's state of health is taken into consideration” and that the army “sometimes assigns citizens to civilian duties in their own field of specialisation, such as care of the sick and the injured, and not solely to combat duties.”¹ It has not been possible to ascertain whether these exemptions and reliefs have been carried forward in the current Law.

6 What is clear is that there are no provisions for the exemption or allocation to civilian duties of conscientious objectors to military service.

¹ CCPR/C/KWT/3, op cit, para 102.

7 In its concluding observations on Kuwait's Second Periodic Report under the International Covenant on Civil and Political Rights, the Human Rights Committee stated:

“The Committee is concerned that the State party does not recognize the right of conscientious objection to military service and does not intend to adopt provisions implementing that right. (art. 18)”, and recommended

“The State party should adopt legislation recognizing the right of conscientious objection to military service and put in place an alternative to military service which is neither punitive nor discriminatory.”²

Meanwhile, it does not seem that any answer was given by the Kuwaiti delegation to questions from members of the Committee on the Rights of the Child about what safeguards, if any, there were against the recruitment of children (especially street children) into private security companies³ - except for a general assertion that no armed groups operated in the country- and against the paramilitary training of children by, for example, sporting clubs.⁴

8 Responding to this in its Third Periodic Report, Kuwait cites Article 47 of the Constitution, which refers to defence of the country as a “sacred duty”, and proceeds to assert:

“ Accordingly, conscientious objection is not recognised since conscription is in the interests of a country situated at the heart of a region characterized by instability and political crises in the light of which its people need to be trained to face dangers, defend their homeland and resist any aggression.”⁵

9 Aware that military service was not currently being enforced, the Committee did not raise the issue in its consideration of Kuwait's third periodic report.

Suggested recommendation;

10 That Kuwait review its military service legislation with a view to recognising the right of conscientious objection in conformity with international standards, advised by the guidelines set out in UN document A/HRC/43/23.

² CCPR/C/KWT/2/CO, 18th November 2011, para 22.

³ CRC/C/SR.1301 (30th January, 2008) para 9.

⁴ Ibid, para 12.

⁵ CCPR/C/KWT/3, 8th December 2014 (Arabic original submitted on 28th October 2014), para 101.