**Responses of: The Ministry of Justice**

The National legislator has also taken care to address national legislation in its provisions that seek to promote and protect human rights and fundamental freedoms. It also opposes in its provisions any manifestations of racism or racial discrimination, whatever their cause. In a related context and affirmation of the principle of equality. The national legislation of Kuwait made all people equal before the law in duties and rights. For example, Law No. 16 of 1960 on the issue of the Penal Code affirmed the principle of equality in the application of its provisions. Article 11 stipulates that "The provisions of his law shall apply to any person who commits a crime in the territory of Kuwait”.

Ina related context, the Kuwaiti legislature is concerned to ensure that all person have the right to judicial recourse and that everyone has the right to defend their rights from any violations of their rights and freedoms. Therefore, Article 166 of Kuwait Constitution states that: The right of recourse to the courts is guaranteed to all people law prescribes the procedure and manner necessary for the exercise of this right”.

Article 45 of the Kuwaiti Constitution allows every individual to address the public authorities in writing and. by signing. This indicates that the Kuwaiti Constitution has given all people the right to address public authorities, complain and report.

In the context of article (167) of the Constitution, we find that it appointed the Public Prosecution to take the public case in the name of society, supervise judicial control, apply criminal laws, prosecute offenders and implement sentences. The main purpose behind this text is to establish the principles of security and safety besides the means of criminal protection.

in the belief of the Kuwaiti legislator that all persons have the right to appeal to the Constitutional Court in any law, decree, or regulation if they are suspected of violating the provisions of the Constitution, Law No. 109 of 2014 amends certain provisions of Law No. (14) of 1973 to establish the Constitutional Court, where every natural or juridical person has the right to appeal directly to the Constitutional Court on an original claim.

It should be noted that Article 5 of Law No. (8) Of 2010 stipulates that "the \_ Government shall take all effective administrative measures and provide the necessary equipment to ensure that persons with disabilities enjoy their civil and political rights. The government is also committed to providing offices for the provision of special services for persons with disabilities in all its institutions and government agencies, including the sign language interpreter and the blind service provider to ensure that they enjoy their rights on an equal basis with others.

Law 8 of 2010 also grants persons with disabilities the priority in finishing their paper work in all government entities and public facilities using the disability card granted to them by the Commission in accordance with Article (26) of the aforementioned law.

Accordingly, the Ministry of Justice has taken a number of measures to facilitate the access of persons with disabilities to justice:

1. Facilitate the reception of persons: with disabilities in all Ministry Buildings and their access to all services available by the Ministry.
2. Provide car parks for them.
3. Provide elevators.
4. Provide cars dedicated to them.
5. Provide chairs for persons with disabilities, and delivery service to facilitate their mobility.
6. Provide staff for them at the Citizen Service Office to respond to their inquiries and to receive their complaint.

With regard to legal Assistance for persons with disabilities, reference should be

made to the: text of article 107 (paragraph 1) of the same law, which determined

that the court may appoint for a person with disabilities a judicial assistant to

assist him in actions that he considers to be of interest to him if The person has

a severe physical disability, which makes it difficult for him to know the

circumstances of the contract, or it is difficult to express his will, especially if he is deaf or blind deaf or blind.

Article 109 states that, if a person is unable, due to his or her physical or pathological condition, to conclude the act, even with the assistance of someone, the court may authorize the judicial assistant to conclude ink on his behalf if his non-conclusion does not endanger his interests.

The principle is that every person of full age is fully qualified to perform legal acts. The issue of whether a judicial assistant is to perform on behalf of a person has been covered by a number of guarantees by the legislator, most notably the fact that the court authorizes the judicial assistant to conclude the conduct and that the non-conclusion of the act would endanger the interests of the person in addition to the judicial assistant is not appointed by the court unless the person has a severe physical disability, which would make it difficult for him to know the conditions of the contract, or it is difficult to express his will.

As for compensation in cases where the rights of persons with disabilities are violated, article 30 of Decree-Law No. 67 of 1980 promulgating the Civil Code sets out the compensable damages, stating that "1. The use of the right is unlawful if the owner deviates for its purpose or for its social function. In particular

1. If the interest resulting from it is unlawful
2. If it is only intended to harm others
3. If the interest that arises from it is disproportionate to the damage caused to the third party. |
4. If it would cause the third party to cause extraordinary and serious harm.

In the same frame, the decree in law no. 67 1980 on the issuance of civil law stipulated a set of texts that affirm the right of the injured person to the wrongful act in claiming compensation for the damage he has suffered in this regard.

Among these texts:

Article 227 states that: (1) Anyone who, by his wrongful act, caused harm to others, is liable to compensate him, whether in causing direct or consequential damage. 2.The person shall be liable to compensation for damage caused by his wrongdoing, even if he is not discriminated against.

Article 228 states that "(1) If the persons whose fault has been caused by a mistake are committed, each of them shall, in the face of the injured person, be liable to compensation for all damage. 2. The liability of the multiple officials shall be divided as much as the fault of each of them in causing the damage. If this role cannot be determined, they will be given equal liability. "

Article 229 states that "1. If the wrongdoing that caused the damage was committed by the perpetrator as a result of incitement or assistance, the damage shall be deemed to have been caused by the fault of both the original actor and the partners and their responsibility to compensate him”.

Article 230 states that: (i) The damage to which the person responsible for the wrongful act shall be compensated shall be determined by the loss that occurred and the lost gain, whenever it is a natural consequence of the wrongful act. 2. Loss of profits or loss of profits is a natural consequence of the wrongful act, if it can not be avoided by the reasonable effort required by the circumstances of the ordinary person.

Article 231 also provides that "1. Compensation for an unlawful act shall be considered to be detrimental, even if it is moral. 2. Moral damage shall include, in particular, the harm to the person from physical or mental harm as a result of prejudice to his or her life, body, freedom, presentation, honor, reputation, social or moral status or financial status. The moral damage also includes the sense of sadness, sorrow, and feelings of love and tenderness that a person feels as a result of the death of a loved one.

The Kuwaiti legislator is keen to give persons with disabilities a special protection mechanism if he is subjected to neglect by the person in charge of his care. Article (61) of Law: No. 8 of 2010 stipulates that, "Without prejudice to any more severe penalty stipulated in another law, not less than one year and a fine not exceeding one thousand Kuwaiti Dinars or one of these two penalties each person charged with the care of a person with disabilities, regardless of the source of this obligation and neglects to perform his duties towards him or to take the necessary to implement these duties or refrain from fulfilling his obligations. The penalty shall be imprisonment for a term not exceeding three years and a fine not exceeding three thousand Kuwaiti Dinars or one of these two penalties if such negligence results in harm to the person with the disability.

Thus, a person with a disability who has been neglected by the person in charge of his care, in addition to the prescribed penalties, has the right to seek compensation as a result of the damage caused to him.

**Reponses of: The Public Authority of the Disabled**

1*- Please provide information on any proper practices in legislation, policies or institutional measures taken in your country to ensure that persons with disabilities are able to have access to justice effectively and on an equal basis with others, as required by article 13 of the agreement on the Rights of Persons with Disabilities*

* We would like to state that the right to litigation in Kuwait is ensured to all, Article 166 of the Constitution provides that "The right of recourse to the Courts is guaranteed to all people. Law prescribes the procedure and manner necessary for the exercise of this right.” This article clearly applies to persons with disabilities, where they are assigned to the judiciary in their capacity as a witness, jury, prosecutor, defender or other roles.
* Believing in the Kuwaiti legislator to preserve the rights of persons with disabilities and its amendments Article 5 of Law No. 8 of 2010 on the Rights of Persons with Disabilities and its amendments stipulates that: The Government shall take all effective administrative procedures and provide the necessary equipment to ensure that the persons with disabilities enjoy their civil rights and political rights. The government is committed to provide offices special services for persons with disabilities in all its institutions and governmental bodies including the sign language interpreter and a supporter to serve the blinds to ensure they enjoy their rights on an equal basis with others.

*2- Please provide information on any current practice in your country, including the strategy and guidelines that facilitate direct or indirect participation of persons with disabilities in legal proceedings (ex; parties, witnesses, jurors, judges, lawyers, experts) These include the following areas:*

* *Recognition of the right to legal status*
* *Potential getting information and access to it*
* *Procedural facilitation according to sex and age*
* *Provision of legal aid*
* Within the framework of preserving the rights of persons with disabilities to violations as defined in article 68 of Law No. 8 of 2010 on the Rights of Persons with Disabilities and its amendments. "The Commission shall determine the persons responsible (disabled friends) to implement the provisions of this law and the decisions issued to implement it, whether from its employees or from outside it, The Authority shall issue decision specifying the jurisdiction and judicial control authority established for them under the law". In order to activate the above-mentioned article, the Public Authority for Disability Affairs has formed a committee of friends of the disabled, which in its mission is responsible for monitoring violations of the rights of persons with disabilities And prepare and publish professional and periodic reports that describe the violations committed, their patterns and those responsible for them, the bodies responsible for the rights of persons with disabilities, and provide the Public Authority for Disability Affairs with reports on professional conditions to cover and touch the real issues of society.

The Committee documents a database of violations monitored, which helps to provide adequate information about them and their patterns and victims and their accomplices and to analyze those violations and their motives and causes and treatment and deal with them.

* In addition to the provisions of the Penal Code of the same law by tightening the penalties stipulated in the Penal Code for crimes related to violations of the rights of persons with Disabilities.

3- *Please provide information on any sound practices currently available on judicial provisions in your country relating to effective access to justice for persons with disabilities.*

* Article 5 of Law No. 8 of 2010 on the Rights of Persons with Disabilities and its amendments s stipulates that "the Government Shall take all effective administrative measures and provide the necessary equipment to ensure that persons with disabilities in all its institutions and government bodies, including the sign language interpreter, are appointed to. ensure the enjoyment of their rights on an equal footing with others" including the courts in the State of Kuwait of all types and degrees, as well as the investigation bodies. The Ministry of Justice therefore provides the necessary means to provide access to justice for persons with disabilities.

4- *Pleases provide information on any sound practices currently available in your country that effectively promote remedies and remedies in cases where the rights of persons with disabilities are violated.*

* The TRA does not have any information on this matter

5*- Please provide information on good initiatives taken in your country to promote and ensure effective access to justice for persons with disabilities.*

* The Ministry of Justice has taken several measures to facilitate access to justice for persons with disabilities through the offices of the courts and access to the services available.
* Article 107 of paragraph 1 of Act No. 67/1980 provides that the Court may appoint a disabled person to assist in the conduct of the acts in which the assistance is deemed to be of serious physical incapacity which would make it difficult for him to know the circumstances of the contract or it is difficult for him to express his will, especially if he is deaf blind, blind deaf or blind.