

Kuwait on 21/09/2016

## **Statement of lawyer/ Adel Abdulhadi upon filing the challenge against the constitutionality of the DNA law**

Today we filed an application with the constitutional court challenging the constitutionality of the DNA Law No. 78/2015. We have previously issued a statement on 22/07/2015 further to the National Assembly's approval to pass the said law revealing our intention to challenge its constitutionality due to the serious violations affecting fundamental human rights and personal freedoms protected and sacred by Kuwait constitution.

It is true that, from the beginning, we raised legal concerns on this law and decided to challenge it; nevertheless, we are fully aware of its scientific weight and the risks surrounding it, not just in the present but also in the future. We therefore conducted our research on relevant aspects, reviewed related international precedents and international conventions, and we approached specialists in human genetics asking for their scientific opinion. In conclusion, the opinion came unanimous and in line with our previous decision that this law, as is, shall be revoked, since the damage it will cause is certain and goes beyond the borders of state of Kuwait. The risks of this law are not merely present because science of Human Genetics is under rapid and constant development. Genetic scientists and researchers cannot determine at this stage the potential outcome of their studies and genetic tests including the intervention in and manipulation of human genome. As a result DNA samples are not to be taken lightly and collected massively.

In addition to violation of basic human rights, this law is in clear violation to the principles of Islamic Sharia and Jurisprudence of the Sunnah in respect of proving paternity. This matter cannot be ignored in Kuwait as the country applies and implements the principles of Sharia in paternity issues.

As for the attempts to justify the DNA law and its practices, made through several statements we observe in the media, they show lack of basic knowledge in the DNA science and even worse reveal ignorance of the significance of DNA when we see DNA (the human source code) compared to fingerprint or personal image.

Under such situation, discussions or debates will not be productive; the courts have long been the highest reference to which people resorted, in Kuwait and worldwide, to protect their privacy, we therefore had recourse to the court to adjust the path seeking to defend human rights, preserve the spirit of the constitution and consequently maintain the state's prestige.

**Lawyer Adel Abdulhadi**

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