



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Pre-sessional working group

### List of issues in connection with the consideration of the second periodic report of Kuwait (E/C.12/KWT/2), adopted by the fiftieth pre-sessional working group (3-7 December 2012)

#### I. General information

1. Please indicate whether the State party's report was prepared in consultation with civil society organizations and explain why the report does not respond to the questions in the Committee's guidelines (E/C.12/2008/2).
2. Please confirm that the economic, social and cultural rights in the Covenant before courts can be invoked in courts by the Covenant, and if so, please provide examples of cases where the Covenant has been invoked before or by national courts.

#### II. Issues relating to the general provisions of the Covenant (arts. 1-5)

##### Article 2, paragraph 2 – Non-discrimination

3. Please indicate whether the State party's legislation prohibits direct and indirect discrimination in the enjoyment of economic, social and cultural rights on the grounds specified in article 2, paragraph 2 of the Covenant.
4. Please provide information on results achieved by the implementation of the Royal Decree 467/2010 on 9 November 2010, which grants benefits and civil, social and humanitarian facilities to illegal residents registered with the Central System, as well as on obstacles to guaranteeing equal enjoyment of economic, social and cultural rights by the Bedoun.
5. Please indicate to what extent the quota of employment of persons with disabilities of 4 per cent in companies with more than 50 employees is enforced. Please also explain how the concept of 'reasonable accommodation' is translated in the legislation of the State party, and enforced in practice, particularly as regards obligations for employers.

### **Article 3 – Equal rights of men and women**

6. Please inform the Committee of the nature and the impact of measures taken to address the negative gender stereotypes and the persistence of discriminatory attitudes resulting in women's inferior role in the family and society.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 – The right to work**

7. In view of the fact that only 43.37 per cent of women are part of the workforce, please indicate the nature and impact of measures taken to increase the employment of women. Please also provide information on measures taken to increasing their representation in high level positions in public offices.

### **Article 7 – The right to just and favourable conditions of work**

8. Please inform the Committee (a) whether the draft law mentioned in paragraph 81 of the State party's report which intends to introduce sector-specific minimum wages has been adopted, (b) of the categories of workers to which these minimum wages apply, and (c) whether their level provides all workers and their families with a decent living, taking account of the inflation rate.

9. Please inform the Committee of the impact of the measures mentioned in paragraphs 110 and 112 of the report, such as the Decrees on the recruitment of workers from abroad and on the rules and procedures for obtaining permits as well as the activities undertaken by the General Department for Migration, on curbing the exploitation of migrant workers, especially domestic workers.

10. Please indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.

11. Please indicate the mechanisms in place to monitor and to ensure safety and healthy conditions at the workplace, especially in the oil and construction industries.

12. In view of the very important gender pay gap in the State party which stands at 34 per cent according to sources available to the Committee, please provide information on measures taken to reduce the gap and the impact thereof.

### **Article 8 – Union rights**

13. Please provide information, including statistical data, on strikes held during the reporting period, including those where the authorities have intervened to stop them as well as the reasons of their prohibition. Moreover, in the absence of laws regulating strikes, please inform the Committee of the safeguards in place to guarantee the respect of workers' right to strike and the protection against reprisals and sanctions.

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### **Article 9 – The right to social security**

14. Please provide information on measures taken by the State party to extend social insurance coverage to work accidents and occupational diseases, as well as to migrant workers as well as other non-Kuwaiti workers, as recommended by the Committee in 2004. Please provide information on groups who are at risk of not having access to social security.

### **Article 10 – Protection of the family, mothers and children**

15. Please indicate whether there is legislation in the State party which specifically criminalizes acts of domestic violence, in particular violence against women and children, including marital rape and sexual abuse. Please provide information on the number of registered cases as well as the sanctions imposed on perpetrators. Please also indicate whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims, such as legal advice, psychological assistance and the provision of shelter.

16. Please indicate whether the State party has adopted a national action plan to combat human trafficking and whether medical, social and legal assistance is extended to victims. Please also inform the Committee of the obstacles to the adoption of the law to combat trafficking as well as the extent to which current criminal sanctions and administrative measures have had an effective deterrent effect on traffickers. Please provide information on the number of trafficking cases reported as well as the sentences imposed on perpetrators and the redress and compensation offered to victims.

17. Is the State intending to prohibit and combat marriage of children under 18 years of age as well as its registration.

### **Article 11 – The right to an adequate standard of living**

18. Please inform the Committee on the measures taken to ensure access to adequate and affordable housing by marginalized and disadvantaged groups, especially Bedoun and migrant workers. Please also provide information on the measures taken to abolish discriminatory legislative provisions and practices, such as those prohibiting unmarried couples and single persons from renting housing.

### **Article 12 - The right to physical and mental health**

19. Please inform the Committee of the impact of measures taken, including those implemented by the Nutrition Education Department, to address the growing rate of obesity, resulting from unhealthy lifestyles.

20. Please provide information on the accessibility of mental health-care services. Please also inform the Committee of legislation and regulations in place as well as measures taken to ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.

21. Please provide information on the measures taken to implement the Committee's recommendation to broaden the circumstances that could justify legal abortion. Moreover, please indicate the measures taken to promote sexual and reproductive health, and the related services available, including for adolescents. Please also provide information on the incidence of sexually transmitted diseases in the State party.

### **Articles 13 and 14 – The right to education**

22. In view of the fact that information provided in the State report concerns exclusively children who are citizens of the State party, please indicate the measures taken to ensure that non-Kuwaiti children living in the State party also have access to free compulsory education, as recommended by the Committee in 2004.

23. Please provide information on the measures taken to ensure access to higher education for the Bedoun as well as children of migrant workers. Please supply updated data on enrolment at the various levels of education, disaggregated by year, sex, and by Kuwaiti/Bedoun/other non-Kuwaiti.

### **Article 15 – Cultural rights**

24. Please provide information on the measures taken to protect cultural diversity, promote awareness of cultural heritage of non-Kuwaitis and other minorities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

25. Please provide information on the measures taken to ensure the protection and conservation of the State party's archaeological sites in urban planning, infrastructure development and building projects, as well as to enhance access to them by the public.

26. Please provide information on the legal provisions in place to protect the freedom of cultural and creative activity. In particular, please provide information on the standards and procedures followed by the State party on censorship of publications and cultural activities.

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