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Committee on Economic, Social and Cultural Rights Seventieth session

Summary record of the 30th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 28 September 2021, at 10 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 10.15 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Third periodic report of Kuwait (E/C.12/KWT/3; E/C.12/KWT/Q/3; E/C.12/KWT/RQ/3)

1. *At the invitation of the Chair, the delegation of Kuwait took places at the Committee table.*
2. **Mr. Alghunaim** (Kuwait), introducing the third periodic report of Kuwait (E/C.12/KWT/3), said that a road map had been developed with a view to achieving the “New Kuwait” vision by 2035. The first national development plan (2010/11 to 2013/14) had been aimed at preparing a legislative framework for development. The second national development plan (2015/16–2019/20) had focused on the infrastructure that was required to achieve the Sustainable Development Goals. The third national development plan (2020–2025) was based on five key pillars: the development of the northern region; the building of a knowledge economy; the strengthening of State institutions; the promotion of citizen well-being; and the empowerment of citizens. The fourth national development plan would seek to further develop the knowledge economy and would be followed by a fifth plan promoting sustainable development.
3. The voluntary national review of Kuwait, which had been submitted in 2019 to the high-level political forum on sustainable development, demonstrated the determination of the country’s leadership to achieve the highest sustainable human development goals. Considerable efforts were being made to achieve Sustainable Development Goal 5, namely gender equality and the empowerment of women; such efforts involved cooperation with the United Nations Development Programme (UNDP) in Kuwait, the Arab States Regional Office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the General Secretariat of the Supreme Council for Planning and Development, and the Centre for Women’s Research and Studies of Kuwait University. A national programme had been introduced to promote women’s participation in political and public life and all other sectors through the adoption of awareness-raising initiatives and women-friendly policies. Kuwait had also launched a women’s economic empowerment initiative – the first State in the Gulf Cooperation Council to have done so – on International Women’s Day in 2018. The Domestic Violence Act had been promulgated in 2020 and training courses had been organized for staff of various agencies on how to assist victims of domestic violence. Some provisions of the Housing Welfare Act had been amended to enable women to exercise their rights without discrimination. For instance, divorced women’s waiting period for obtaining a housing loan had been reduced in line with the Family Court Act. The delay for obtaining a final ruling on custody and other personal issues had also been reduced.
4. There were currently 16 women judges and, in August 2021, a number of women had been appointed to leadership positions in the public prosecution service. Women also played a prominent role in the private sector, for instance as chief executive officers in banks and major companies. Women currently accounted for 50 per cent of personnel in the private sector and 63 per cent in the governmental sector. Female university students accounted for 70 per cent of the total number of students, and female graduates in faculties such as engineering and medical science accounted for 60 per cent of the total.
5. The Kuwaiti education system sought to support human development by enhancing students’ sense of respect, dignity and freedom and by promoting tolerance and friendship. Article 13 of the Constitution recognized education as a cornerstone of progress in society and stipulated that it should be guaranteed and protected by the State. Persons with disabilities were guaranteed the right to education and 25 special schools had been established on their behalf by the Ministry of Education. The buildings, curricula, personnel, equipment and teaching methods were designed to help students surmount any potential difficulties. Persons with disabilities were also entitled to enrol in university. Their rights

were enshrined in the Rights of Persons with Disabilities Act (No. 8 of 2010) and were protected by the Public Authority for Persons with Disabilities.

6. Efforts had been made to regulate the labour market and to achieve balance between the interests of employers and the rights of workers, particularly in response to the negative impact of the coronavirus disease (COVID-19) pandemic. Emergency telephone numbers to report complaints, for instance regarding trafficking in persons, were publicized in social media. An emergency team had been established to monitor the evacuation of expatriate workers who wished to leave the country, to investigate complaints concerning employment, to ensure that workers were paid their wages and to prosecute companies that broke the law.

7. The State had promulgated the Domestic Workers Act (No. 68 of 2015) and had subsequently established a shelter for domestic workers, which had been commended by the Special Rapporteur on trafficking in persons, especially women and children, during an official visit to Kuwait. Domestic workers received legal assistance and benefited from the assisted voluntary return and reintegration programme run by the International Organization for Migration (IOM).

8. At the beginning of the COVID-19 pandemic, Kuwait had contributed some US\$ 100,000 to the World Health Organization (WHO) and a number of developing countries. The Ministry of Health had established committees mandated to provide the health care and administrative and institutional assistance needed to monitor and limit the repercussions of the epidemic. Hospitals' clinical capacity had been increased and the Director-General of WHO had commended the country's achievements during a visit in August 2021.

9. His country set an example in the Gulf region in terms of freedom of the press, freedom of trade unions, parliamentary elections, and cultural and intellectual initiatives. It had also established the Kuwait Fund for Arab Economic Development to provide economic support in line with the provisions of the Covenant.

10. **Mr. Abashidze** (Country Rapporteur), referring to the State party's replies to the list of issues (E/C.12/KWT/RQ/3, para. 1), said that the Committee would welcome additional information regarding the budgetary, structural and legal measures adopted to guarantee the independence of the National Bureau of Human Rights and the diversity of its members. It would also be grateful for statistics concerning the number of complaints received by the Bureau during the past five years, the outcome of the Bureau's fact-finding activities and any related decisions taken by the authorities.

11. Noting that the projects referred to in the State party's replies (para. 5) were not specifically aimed at reducing greenhouse gas emissions, but merely at adapting to the negative effects of climate change and at mitigating emissions, he said that it would be useful for the State party to clarify its nationally determined contributions under the Paris Agreement and to specify the gas emissions reduction target. He wondered whether the strategic development goals for 2035 and the third and fourth national development plans reflected the nationally determined contributions under the Agreement and whether an implementation mechanism had been established. The Committee would appreciate information concerning the findings of the observers appointed by the Supreme Council for the Environment and any follow-up action taken.

12. He would like clarification of the State party's position on its obligations in relation to the operations of public and private companies within its jurisdiction; those obligations also applied to their operations overseas. It would also be useful to know what progress had been made in the previous five years in reducing the number of persons living below the poverty line; how the situation of the poorest groups had changed during the COVID-19 pandemic; and what percentage of total spending during the pandemic was allocated to social expenditure, particularly employment, food, water, health and education.

13. Noting that, in its interpretative declaration regarding articles 2 (2) and 3 of the Covenant, the State party had declared that the rights to which those articles referred must be exercised within the limits set by Kuwaiti law, he said that article 27 of the Vienna Convention on the Law of Treaties prevented parties from invoking the provisions of internal laws as justification for their failure to perform a treaty and suggested that the State party

should withdraw its reservation to articles 2 (2) and 3 of the Covenant and adopt a comprehensive anti-discrimination law.

14. **Mr. Alghunaim** (Kuwait) said that the impact of the COVID-19 pandemic on incomes varied greatly, both in Kuwait and globally. His Government, which continued to monitor the issue, had adopted a range of initiatives intended to minimize the pandemic's impact on the incomes of Kuwaiti families and foreign workers and to stimulate the economy.

15. **Mr. Bader Almutairi** (Kuwait) said that the National Bureau for Human Rights counted legal experts and civil society representatives among its members. The Bureau enjoyed its own budget and headquarters and had set up committees to monitor the State's activities in relation to economic, social and cultural rights. The Bureau submitted annual reports to the National Assembly, and one of its committees acted as an Ombudsman, receiving and investigating complaints of violations of human rights legislation.

16. The Government provided all the resources necessary to facilitate the Bureau's work and encouraged public bodies to respond to its requests for information. The Bureau also monitored detention centres and worked with the Department for Labour Inspection. It was independent and fully competent to monitor and promote human rights and was working towards accreditation under the Paris Principles. The Bureau had participated in the handling of a number of complaints by working with State authorities on a range of legal issues.

17. **Mr. Alghunaim** (Kuwait) said that work was under way to calculate the exact percentage by which Kuwait would aim to reduce its emissions under the Paris Agreement, his country's ratification of which represented a major achievement.

18. **Mr. Al-Thowaiikh** (Kuwait) said that the Kuwaiti Constitution provided a framework for combating discrimination while emphasizing the importance of freedom and equality among citizens. His country's legislation provided for a range of sanctions for discrimination, all acts of which were criminalized.

19. **Mr. Alghunaim** (Kuwait) said that while enterprises established in Kuwait were subject to Kuwaiti law, including legislation that governed their administrative operations, those that existed outside the country's jurisdiction fell under that of the States where they operated. Nevertheless, the right to litigate was guaranteed, and all necessary measures to facilitate that right had been adopted, including a code regulating companies' commercial operations, in conjunction with international principles of litigation. Kuwaiti courts had examined thousands of such cases, and remedies were available to all parties. It was not necessary to withdraw the reservation to articles 2 (2) and 3 of the Covenant, because many Kuwaiti laws served the same purpose as those articles. However, the matter of such a withdrawal could be addressed through parliamentary and constitutional procedures.

20. **Mr. Uprimny** said that, while establishing the criteria for granting nationality was indeed the prerogative of the State, that prerogative was limited by the need to respect the principle of non-discrimination, a *jus cogens* norm. Kuwaiti nationality laws discriminated against women, who could not confer their nationality to their children and spouses on an equal footing with men; the amendment of those laws would be a positive first step in the State party's plans to eliminate discrimination against women. He would like to know why the State party would not withdraw its reservation to articles 2 (2) and 3 of the Covenant if its national laws protected women's equality.

21. **Mr. Mancisidor de la Fuente** (Country Task Force) said that the freedom of the private sector and business activities were compatible with human rights and the State's obligations in that domain. He would welcome the delegation's comments on the Guiding Principles on Business and Human Rights and the Committee's general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, and he encouraged the State party to consider them if it had not already done so.

22. **Mr. Amarti** said that he would welcome clarification of the subject and type of complaints received by the National Bureau for Human Rights, as well as examples of complaints received that related to rights under the Covenant, whether directly or indirectly.

23. Although the right to form and join trade unions and the right to strike were not prohibited under domestic legislation, he wished to know why the Government had not yet enacted laws that explicitly authorized the exercise of those rights.

24. **Ms. Shin** (Country Task Force) said that she had been pleased to learn that Kuwait was committed to achieving the Sustainable Development Goals, particularly Goal 5 on gender equality. In that regard, she hoped that Kuwait would consider withdrawing its reservation to articles 2 and 3 of the Covenant, which had serious implications for the economic, social and cultural rights of women.

25. **Mr. Alghunaim** (Kuwait) said that the concession of nationality was a sovereign right of States. Different States applied different criteria but in no case could they be obligated by international law to grant their nationality. The equality of men and women before the law was enshrined in the Constitution, and women, in fact, enjoyed a position of great privilege in Kuwaiti society. Nonetheless, certain issues affecting them were regulated by Islamic sharia, which was part of national values and culture, and the universality of human rights did not mean imposing specific cultural values on other States. Kuwait had enacted a body of legislation to ensure that its companies abided by the Guiding Principles on Business and Human Rights.

26. **Mr. Marafie** (Kuwait) said that the concession of nationality was regulated by Royal Decree No. 15 of 1959 promulgating the Kuwaiti Nationality Act. The State currently had no plans to amend article 2 of that Act, according to which only the father could pass on Kuwaiti nationality to his offspring. Nonetheless, the Act, as it currently stood, did envisage certain circumstances in which nationality could pass through the mother, such as when a child was born to a Kuwaiti woman and an unknown father. Moreover, residency permits were granted to the foreign spouses and children of Kuwaiti women as a matter of course.

27. **Mr. Talal Almutairi** (Kuwait) said that the National Bureau for Human Rights had set up committees covering the areas of women and the family; children; economic, social and cultural rights; human trafficking; and persons with disabilities. It had also established a committee to deal with complaints – that committee, the most active of the six, had received 128 complaints since the beginning of 2021, on matters such as family reunification, unlawful residency, workers' rights and health care.

28. **Mr. Alghunaim** (Kuwait) said that, since there was no specific legal prohibition on strikes, the Government saw no requirement to formulate new legislation in that regard. Foreign workers were permitted to join trade unions.

29. **Mr. Alazmi** (Kuwait) said that the right to form and join trade unions was enshrined in the Constitution and upheld in national legislation such as the Private Sector Employment Act. There were currently 85 trade union organizations and 54 employers' associations in the country. The State accepted that industrial action was one way in which workers could obtain their rights and it had not, therefore, placed any legal prohibition on strikes per se. Nonetheless, the law also included provision for conciliation mechanisms, which examined the circumstances that had led to workers' dissatisfaction and sought to meet their demands via mediation.

30. **Ms. Alhajeri** (Kuwait) said that the law did not discriminate against women in any way. Under the Public Assistance Act, women in certain circumstances, such as divorced and older women, widows and female heads of household, could benefit from social assistance of up to 1,200 Kuwaiti dinars. They also had access to low-rent accommodation via the Public Authority for Housing Welfare and could purchase a home through a facilitated loans scheme run by the Kuwait Credit Bank. Further monetary support was available for children's clothing and school fees. Of a total 44,874 recipients of social assistance, 37,663, or 83.9 per cent, were women.

31. As part of efforts to achieve Sustainable Development Goal 5 on gender equality, the Supreme Council for Planning and Development, UNDP and the Women's Research and Studies Centre of Kuwait University had joined forces on an initiative that aimed to empower women in the private and public sectors. As a way of encouraging diversity and creativity, the authorities had engaged with the Kuwait stock exchange to pursue gender equality and promote diversity on the managing boards of listed companies, and 30 chief executive

officers had made commitments in that regard. The second stage of the initiative would focus on gender-responsive budgeting and on the introduction of a gender perspective into the State budget.

32. The Ministry of Social Affairs and other government bodies worked with civil society groups to run capacity-building programmes for women. They included the “By my own efforts” programme, which provided vocational training for female beneficiaries of social assistance, and the “Boutique 33 incubator” project, which served as a marketing platform for products made by women.

33. Just since October 2020, a number of women had been appointed to posts in the judiciary and to the Office of the Public Prosecution; in September 2021, a woman had been named as assistant undersecretary at the Ministry of Defence. In addition, women held high-ranking positions in the Anti-Corruption Authority, the Public Authority for Food and Nutrition and the Public Authority for Agriculture and Fisheries as well as in the Kuwait Investment Authority, where they accounted for 40 per cent of the total workforce.

34. **The Chair**, speaking as a member of the Country Task Force, said that he wished to commend the State party for the significant efforts it had made, which were well reflected in the periodic report. The Task Force had been particularly interested in the terminology Kuwait used to refer to migrant workers, in the formation and activity of trade unions and in the minimum wage and the extent to which it was sufficient to meet workers’ daily needs. He would like to know how the global financial crisis and, subsequently, the impact of the COVID-19 pandemic had affected the State’s ability to promote and protect economic, social and cultural rights.

35. Turning to article 6 of the Covenant, he said that the Committee would welcome information on the steps taken by the State party not only to recognize the right to work, in compliance with ILO conventions, but also, more specifically, to achieve the full realization of that right, for instance through the adoption of development policies and the establishment of infrastructure, to the maximum of its available resources.

The meeting was suspended at 12.10 p.m. and resumed at 12.25 p.m.

36. **Mr. Alghunaim** (Kuwait) said that the obligation to uphold the right to work indeed went beyond his Government’s compliance with the conventions of the International Labour Organization (ILO); the Government would take the Chair’s comments in that regard into account when preparing the next report. The definition of the term “foreign worker” used in contracts between the Government and such workers had been confirmed by IOM and the Abu Dhabi Dialogue. While the impact of the COVID-19 pandemic on economic, social and cultural rights within Kuwait was still being studied, the Government had sought to overcome that impact, by allocating funds to facilitate workers’ return during the pandemic and by providing financial support to a number of economic sectors. Training sessions to develop workers’ skills had been offered throughout the pandemic. Although Kuwait, like all other countries, had suffered economically as a result of the pandemic, the Kuwait Fund for Development had never stopped supporting countries in need, including through the supply of vaccines.

37. **Mr. Alazmi** (Kuwait) said that the Government was committed to the concept of a minimum wage and had enacted legislation in that connection numerous times since the adoption of Act No. 38 of 1964. Under the more recent Act No. 6 of 2010, the relevant minister issued, no less often than every five years, a decree specifying the minimum wage for the various industries concerned. In setting the rates, the minister was guided by the rate of inflation in the country and its consultations with the Labour Advisory Commission; the Commission also reviewed the ILO conventions ratified by the Government, in consultation with social partners. In fact, many of the contracts in force in Kuwait set wages at levels far higher than the statutory minimum; the Government did not interfere with companies’ freedom to set their own rates of pay within Kuwait, or with other governments’ pay policies in respect of Kuwaiti companies operating abroad.

38. Kuwait had been one of the first countries to implement regulations and agreements on the right to work. In 1997, a programme on vocational training and labour rights had been introduced for all jobseekers. The Government had more recently adopted the Empowerment

Initiative, aimed, inter alia, at fair employment, and which provided for the establishment of a partnership between labour-receiving countries, such as Kuwait, and labour-exporting countries with a view to offering training to the incoming labour force. A decent work country programme had also been concluded with ILO, since decent work was an area in which the Government was committed to offering further training. Its social partners had introduced many related initiatives; for example, the General Federation of Kuwaiti Workers provided training courses, and some 700 workers had been able to benefit from 27 courses offered by employers' organizations.

39. **Mr. Alsebaie** (Kuwait) said that, in view of the country's commitment to the inalienable right to a decent living and to good health, the Ministry of Health had, since the very start of the pandemic, drawn on the latest scientific and medical findings to take stringent public health and administrative measures, while trying to ensure that the population still had access to a decent living. Emergency testing centres had been set up to process persons returning from abroad. A number of public and private hospitals and treatment centres dedicated to COVID-19 had been established and provided with modern equipment, personal protective equipment and medicines. Public campaigns, including on social media, had been conducted to disseminate the latest medical advice and public health measures. The Ministry had worked with many other State institutions and with civil society organizations and volunteers to deliver medicine, food and basic necessities, in particular to disadvantaged persons, on a non-discriminatory basis. It had also facilitated the licensing, production and import of the necessary medicines and treatments. Moreover, the Government had contributed to the initiatives led by the World Health Organization to combat COVID-19.

40. The Ministry had aimed to vaccinate every person present in the national territory. A main vaccination centre with a large capacity had been established, along with numerous affiliate centres geographically distributed around Kuwait; a number of other vaccination centres and rapid testing centres had also been set up. Act No. 70 of 2020 regarding the practice of the medical profession, the auxiliary professions, and the rights of patients and health facilities made it easier for doctors to practise medicine in multiple health-care establishments. As a result of the Government's efforts, over 80 per cent of the country's population had been vaccinated, regardless of gender, residency status or any other factor; the recovery rate was over 95 per cent.

41. **Ms. Shin** said that, while laws were the reflections of mindsets, laws could also change mindsets, which was why the Committee encouraged States parties to eliminate discriminatory laws, including in respect of family matters. Rather than being static, culture changed, and such change could be effected through government initiatives.

42. While welcoming the information that women had been appointed to a number of high-level positions in Kuwait, she wished to recall that the Committee on the Elimination of Discrimination against Women, in their constructive dialogue with the State party in 2017, had expressed serious concerns about a number of discriminatory provisions in Kuwaiti legislation, in areas such as polygamy, divorce and child custody. She would like to know whether there had been any review, amendment or repeal of those provisions. She wished to note that the fact that the Nationality Act allowed women to confer Kuwaiti nationality on their offspring only in certain circumstances negated any claim to equality; she would invite the State party to consider amending such discriminatory legislation in future. Additionally, the fact that marriage with a foreigner was possible only with prior authorization from the foreign marriage committee was a breach of article 10 of the Covenant.

43. She commended the State party on its adoption of the Domestic Violence Act, but would welcome more information on its implementation, including figures on how many perpetrators had been prosecuted and convicted. She would also like to know what protection was provided for victims of domestic violence; how many shelters for domestic violence victims and child protection centres were operating in Kuwait; and whether domestic violence was now widely recognized as a punishable crime. It would be interesting to learn what challenges the delegation foresaw in respect of implementing the Act. It would be useful to hear about the role and function of the Supreme Council for Family Affairs and how it helped with the resolution of family matters and the safeguarding of equal rights.

44. She would like clarification as to whether the minimum wage also applied to domestic workers and whether it was sufficient for foreigners and Kuwaiti nationals to enjoy a decent standard of living. She welcomed the State party's significant efforts to provide the Kuwaiti population with housing, including substantial subsidies; it would be useful to learn whether single, widowed and divorced women, including women divorced from a non-Kuwaiti husband, had similar access to public housing. She would appreciate information on the measures in place to monitor whether foreign workers were actually provided with the suitable accommodation to which they were entitled under Decree No. 199 of 2010. It would be helpful to hear if companies that violated the Decree were penalized and if the workers in question were compensated.

45. She wished to know, with reference to the Committee's three statements on the COVID-19 pandemic and economic, social and cultural rights ([E/C.12/2020/1](#), [E/C.12/2020/2](#) and [E/C.12/2021/1](#)), whether marginalized groups such as foreign workers, including domestic workers and Bidoons, were vaccinated against the virus. Pursuant to Decision No. 294/2017 of the Ministry of Health, health-care fees for foreigners had been set at more than double those charged to Kuwaiti nationals; she wondered what the basis for such a sudden increase was and what effect it had on users of health services. Noting that the Committee had received information that a valid health card was required to gain access to health services, she said such a requirement could be problematic, as Bidoon women could have difficulties in acquiring such a card. She would welcome clarification of whether all Bidoon women and domestic workers had access to basic health services, including sexual and reproductive health services. Lastly, in the light of reports that some persons with disabilities relied on addictive painkillers to treat psychosocial problems they suffered as a result of their disabilities, she wished to hear what measures the Government was taking to help them to resolve their mental health problems, in particular addiction.

The meeting rose at 1 p.m.