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Summary record of the 32nd meeting*

Held at the Palais des Nations, Geneva, on Wednesday, 29 September 2021, at 10 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

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

Third periodic report of Kuwait (continued) (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. **The Chair** invited the delegation to reply to the questions raised by Committee members at the previous meeting.

3. **Ms. Alhajeri** (Kuwait) said that a number of important legislative advances had contributed to combating discrimination against women, notably in the areas of housing, health care, domestic violence and sexual harassment. Ministerial Decree No. 29 of 2021 had introduced amendments to housing regulations whereby the Public Authority for Housing Welfare could adapt the accommodation it offered to beneficiaries according to families' changing circumstances, such as marriages, divorces and deaths. The Decree also included provisions whereby the Public Authority could, under certain circumstances, provide housing to single women, such as divorcees with small children or widows. Tenancy certificates could be issued to women; for example, in the case of a widow with a married son and one or more unmarried daughters, the tenancy certificate would be issued in the name of the woman and her daughters. In the case of a Kuwaiti man married to a Kuwaiti woman, the tenancy certificate would be issued in the names of both spouses, if they had no children. The Government was studying the possibility of enacting legislation that would allow foreigners to own property in Kuwait, a move that would benefit Kuwaiti women married to non-Kuwaiti men. Kuwaiti widows or divorced women could take out loans of up to 70,000 Kuwaiti dinars to purchase a home and up to 35,000 dinars to carry out extensions or improvements. The Kuwait Credit Bank also provided facilitated access to housing for certain categories of women. The period of time that women had to wait following a definitive decree of divorce, before being entitled to housing benefits, had been reduced from three years to two.

4. The Domestic Violence Act (No. 16 of 2020) contained a precise definition of domestic violence and included provisions aimed at raising awareness in society with a view to putting an end to the phenomenon. The Act also envisaged the creation of a national domestic violence commission the duties of which would include drafting public policies to combat violence and protect families, reviewing existing legislation and proposing amendments, coordinating with civil society and developing training programmes. The commission would also produce an annual report on domestic violence including details about any complaints received. The Supreme Council for Family Affairs had drawn up a set of regulations intended to facilitate the implementation of the Act and submitted it for approval to the authorities. For its part, the Council spared no efforts to provide support in cases of violence and worked to protect victims in coordination with government ministries, prosecutors, State agencies and civil society organizations. Fifteen cases of domestic violence had been brought to the Council's attention in 2019 and a further eight between 2020 and 2021.

5. In general, the role of the Supreme Council for Family Affairs was to formulate strategies for families in the context of general State policy and development goals; promote tripartite partnerships between the public and private sectors and civil society with a view to providing effective assistance to families; and pursue a media strategy to promote family values among the public at large. It was currently studying the possibility of setting up addiction treatment centres and child social protection centres across Kuwait. The Council, which operated via a number of specialized committees, had been involved in consultations with parliamentary committees during the drafting stage of the Domestic Violence Act.

6. Experts from the Council had delivered lectures on subjects such as preparation for marriage, the rights and duties of spouses, the empowerment of persons with disabilities,

children with learning difficulties and the safe use of social media. A training course on report writing had been run for the Council under the auspices of the Economic and Social Commission for Western Asia (ESCWA) and the Council's views on the challenges the country was facing in implementing the Beijing Declaration and Platform for Action had been included in the report of Kuwait under the universal periodic review mechanism. The Council had formed a committee to monitor the implementation of Act No. 21 of 2015 concerning the rights of the child and it had prepared a questionnaire to monitor the level of satisfaction with the social services provided by government bodies as well as a guide to the policies and regulations governing domestic violence shelters.

7. Officials in the Ministry of the Interior, the Ministry of Justice and the Ministry of Social Affairs had received training in the Domestic Violence Act, which had included modules on how to handle reports of violence and how to deal with victims. The Supreme Committee for the Empowerment of Women had been formed under the leadership of the Minister of Social Affairs, who was also the head of the Supreme Council for Family Affairs. The Committee, which concerned itself with the empowerment of women across the public and private sectors, would seek to help them play their role in public life by making them an integral part of sustainable development programmes while at the same time protecting them against violence and combating discrimination.

8. **Mr. Alghunaim** (Kuwait) said that the Supreme Council for Family Affairs, which had received recognition from other Gulf States and at the international level, was a testament to the State's commitment to combating discrimination against women. The Human Rights Council's Working Group on the issue of discrimination against women in law and in practice had, at the invitation of the Government, visited Kuwait and made recommendations, many of which the State had acted upon. It was important to note, however, that matters related to personal status such as marriage, divorce and inheritance were regulated by Islamic sharia and could not be altered. The religion of the State was Islam and Islamic sharia was the main source of domestic legislation.

9. **Mr. Al-Thowaikh** (Kuwait) said that the purpose of the foreign marriage approval committee was to protect the integrity of families by ensuring that candidates for marriage were fully aware of one another's social and economic situation and state of health. In some cases, as a result of the committee's activities, one or other of the candidates had learned information about a prospective partner that had led them to break the engagement.

10. **Mr. Alghunaim** (Kuwait) said that the committee dealt with unions between Kuwaitis and non-Kuwaitis and had been created following a number of problems with such marriages. It had no power to prohibit a marriage but it sought to ensure that neither of the two sides was deceived by the other. Specifically, it sought to protect the prospective bride's right to know whether the age of her husband-to-be was appropriate to her own, whether he was economically able to maintain her, whether he already had children and whether he had another wife.

11. **Mr. Alazmi** (Kuwait) said that the Domestic Workers Act not only fixed a minimum wage but also placed obligations upon employers to provide such workers with accommodation, clothing and health care. The intention of legislators when setting a minimum wage had not been to create an imposition but to establish a legal benchmark and, acting within the law, employers and workers were free to draw up contracts as they wished. The Public Authority for the Workforce was currently reviewing the implementing regulations of the Domestic Workers Act, in which regard it had held meetings with the International Labour Organization (ILO), the International Organization for Migration (IOM) and other competent bodies. The National Centre for Occupational Safety and Health was responsible for visiting work sites and housing camps to monitor workers' health. During the COVID-19 pandemic, it had been made a judicial authority empowered to investigate the implementation of pandemic-related health decrees, and its staff had made more than 1,000 visits, issued over 200 fines and closed 12 housing facilities. Before housing camps could host workers, they must receive authorization from the Centre and employ a housing supervisor to liaise between the camp and the Centre. Supervisors and camp owners were legally required to report any sickness, casualties or housing standards violations to the Centre. Sanctions for housing standards violations included fines that were multiplied by the number of workers hosted in a camp, and camp owners were not permitted to enter into

contracts with the State until fines were paid. Preventive measures included awareness-raising and training sessions on safety in housing facilities.

12. **Mr. Alghunaim** (Kuwait) said that his country had ratified the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which it implemented in cooperation with ILO. The fact that large numbers of migrant workers from around the world resided in Kuwait indicated that there were no problems linked to ill-treatment or wages.

13. **Mr. Alsebaie** (Kuwait) said that COVID-19 vaccinations were provided to all persons living in Kuwait who had registered on the relevant platforms, in centres that were open to all residents, regardless of whether they were residing in the country legally or illegally. More than 80 per cent of the Kuwaiti population had been vaccinated to date, including more than 30,000 persons residing in the country illegally, who had not been subject to legal action. His Government had contributed US\$ 100 million to the World Health Organization, which had opened an office in the country. Health care was provided to all residents, regardless of their status, on an equal basis. Fees were charged for non-urgent health care to ensure efficiency in health-care services.

14. **Mr. Alghunaim** (Kuwait) said that Kuwait had been among the first countries to contribute to the COVAX Facility and to assist the World Health Organization in facilitating COVID-19 vaccine provision. It had also provided equipment, including respiratory and testing equipment, to a number of other countries. Fees were payable for certain medical treatments in all countries.

15. **Mr. Badel Almutairi** (Kuwait) said that persons with disabilities received various types of care, including basic health care, to which they had access in all government hospitals, as well as in private hospitals. The agency of persons with disabilities was established in the Rights of Persons with Disabilities (Act No. 8 of 2010). Tranquilizers, whose use was monitored by the relevant authorities, could not be administered to persons with disabilities unless tests and examinations by doctors had confirmed that they were necessary and they could be prescribed only by psychologists or neurologists, with regular follow-up by a doctor. The medical conditions of persons with disabilities were monitored, and such persons were entitled to psychological, social and physical rehabilitation services.

16. **Mr. Alghunaim** (Kuwait) said that his Government had invited the United Nations Special Rapporteur on the rights of persons with disabilities to visit Kuwait in 2018. In her subsequent report to the Human Rights Council, she had commended the country's legislation on persons with disabilities.

17. **Mr. Uprimny** said that he would like to know why, if the right to strike was guaranteed, the State party would not withdraw its reservation to article 8 (1) (d) of the Covenant. The lack of regulation of the right to strike complicated situations in which strikes conflicted with the rights of third parties, such as strikes by health-care workers, who in most democratic countries were required to maintain essential services. He wished to know whether the State party planned to abolish the system of sponsorship of migrant workers (*kafala*) and, if so, what specific steps had been taken towards abolition or, if not, how the system could be regulated to uphold the rights of migrant workers.

18. **Ms. Shin** (Country Task Force) said that he would like to know which of the new laws and amendments relating to family matters had been introduced in response to the recommendations made by the Committee on the Elimination of Discrimination against Women, which had identified key issues that necessitated the revision of the country's Constitution and sharia law system. If those key issues were not addressed, the State party's new legislative measures would fail to ease the restrictions on women in the country. Noting that, unless domestic violence was criminalized, measures to raise awareness and protect women would not be fully effective, she said that she would welcome information on how many perpetrators of such violence had been punished. The National Centre for Occupational Safety and Health could provide a model for other Arab countries. There were reports that many domestic workers were beaten to death in Kuwait. Given the State party's efforts to protect the rights of foreign residents, it was unclear why it would not withdraw its reservation to article 9 of the Covenant. She would appreciate clarification of the circumstances in which medical fees would not be charged and why fees were occasionally doubled without warning.

19. **Mr. Windfuhr** said that he would welcome the delegation's comments on the fact that foreign workers lost their right to residency at the age of 60. He asked how data on the abuse of domestic workers and domestic violence were gathered and what priority issues had been identified as part of the ILO decent work country programme.

20. **Mr. Alghunaim** (Kuwait) said that, while there was no law banning strikes, the Government made no explicit statement in support of them. A substantial number of strikes had taken place unimpeded in Kuwait.

21. There were persons of over 170 nationalities in Kuwait and, as a developing country, the State party had the right, under article 2 (3) of the Covenant, to decide on the extent to which it guaranteed the economic rights recognized in the Covenant to non-nationals. The country's economy was also dependent on oil exports, so a strike by its oil workers would have a major economic impact, both domestically and internationally. The *kafala* system no longer existed in employer-employee relationships; a relic of the past, it had been replaced with contractual relationships.

22. **Mr. Alazmi** (Kuwait) said that the term "*kafala*" did not exist in the State party's legislation. All foreigners entering the country with the intention of working had to have a contract, concluded with an employer, which conferred rights and obligations on both the employer and the employee. In 2016, the Government had made a model contract available on the website of the Public Authority for the Workforce, so as to ensure that such contracts were drafted properly. The weaker party was always favoured in Kuwaiti legislation and a number of decrees restricted employers' authority over their employees; investigative bodies had been established to monitor compliance with those decrees.

23. All foreign workers needed a work permit. Such permits were issued subject to certain conditions, one of which was that the holder be of less than 60 years of age; 16 months' notice was given to workers as they neared that age limit. There had been calls from the Government's social partners, on the part of both employers and employees, for exceptions to the rule; those exceptions were undergoing review by the Council of Ministers, with a view to finding a solution that preserved the dignity of the workers while meeting the country's economic needs.

24. A government authority responsible for matters pertaining to domestic workers regularly carried out inspections and investigations. Its monitoring activities were conducted through direct cooperation with embassies or, in the event of a complaint, through domestic or foreign employment offices. Complaints could also be submitted over the Internet, using the website or the cellular phone application of the Public Authority for the Workforce, or via social media. The Domestic Workers Act required domestic workers to have a cellular phone and the Public Authority for the Workforce ensured that such workers installed its application.

25. The aim of the Empowerment Initiative and the ILO decent work country programme was to allow Kuwait to benefit from foreign workers' skills and experience. Such workers underwent vocational and legal training in their country of origin before starting work in Kuwait; the legal training was intended, inter alia, to equip them to respond to any persecution they might suffer. Explanations of Kuwaiti procedures were disseminated by embassies and by overseas Kuwaiti missions and were posted on the Kuwaiti Government's website. The system was intended to improve workers' conditions and to ensure that skilled workers had more opportunities than those who did not undergo training.

26. **Mr. Alghunaim** (Kuwait) said that Kuwait hosted an office of ILO and that the authorities were in regular contact with the ILO Regional Office for the Arab States, in Beirut. The Government's role in supporting the decent work programme went beyond the borders of Kuwait: it was the only Arab State to back the ILO Palestinian Decent Work Programme.

27. **Mr. Talal Almutairi** (Kuwait) said that, further to the recommendations made by the Committee on the Elimination of Discrimination against Women, the Domestic Violence Act had been enacted and appropriate punishments had been imposed. According to the Ministry of the Interior, 386 cases of domestic violence had been recorded in the first four months of 2021, but there had not been enough time for the courts to hand down final judgments in

relation to all those cases. The Government was seeking to raise awareness of the content of the Act.

28. **Mr. Alsebaie** (Kuwait) said that, under Ministry of Health Decision No. 294/2017, non-residents who did not have health insurance had to pay a certain sum, residents did not. In an emergency, a person would always receive treatment. With a view to reducing pressure on hospitals and emergency centres, however, some emergency centres imposed fees. Those fees had not been increased, except in some centres affiliated with the Ministry of Health; that increase was due to the need to provide the standard of health care required under international law. There had been no increase in the price charged to residents.

29. **Mr. Alghunaim** (Kuwait) said that health tourism in Kuwait had grown as the knowledge had spread that health care was provided free of charge in Kuwait. Accordingly, it had been decided that, while tourists were eligible for emergency care, persons who were already suffering from a chronic condition on arrival would be required to have health insurance.

30. **Mr. Mancisidor de la Fuente** (Country Task Force) said that he would appreciate more detailed information on the extent to which the measures adopted in response to the COVID-19 pandemic, which had been drastic in the vast majority of countries, had limited enjoyment of the right to education. He wondered what steps had been taken or considered to balance the impact of those measures and guarantee universal access to education. The Committee was interested in the measures taken to prevent social disparities, particularly in respect of access to education. The Committee had been informed that recently married girls and women were subjected to practical restrictions that prevented them from continuing their education. If that allegation was true, he wished to know what measures were being considered by the public authorities to guarantee the young women's continued access to education. He would welcome information on measures taken to ensure that all social groups, regardless of their status, had access to high-quality education. He wished to know whether pre-primary education was free of charge for children who were not Kuwaiti citizens. If that was not the case, depriving non-Kuwaiti children of free education would constitute a form of discrimination and could create labour-related obstacles for their parents. The Committee would be interested in hearing about human rights education programmes in secondary school and university curricula.

31. The Committee had been informed that access to the Internet in the State party had been restricted for reasons related to the COVID-19 pandemic. He wished to know whether the allegation was well-founded. Noting the importance of ensuring that scientific and technological projects took account of the need to ensure universal access to science and technology, he invited the State party to take note of the Committee's general comment No. 25 on science and economic, social and cultural rights.

32. **Mr. Bader Almutairi** (Kuwait) said that the Ministry of Education had adopted preventive measures from the outset in response to the COVID-19 pandemic, with a view to protecting the health of teachers and students. Courses had been suspended in all governmental schools and universities and a crisis management team had been established. The 2019/20 school year had been terminated and the programme for the second semester had been postponed until the following year. The Ministry of Education had decided to promote distance learning during the 2020/21 school year, but to ensure, with the support of the Ministry of Health, that examinations were paper-based. A plan of action had been adopted and health-care guidelines had been distributed to all schools in which examinations were held. The Ministry of Education had organized training courses for educational and technical personnel to guarantee a safe resumption of educational services during the 2021/22 school year, which would begin in early October 2021.

33. Young women who were married had a right to education, in accordance with article 13 of the Constitution. A decision taken in 2003 concerning evening classes for married women had never been broadly implemented and had ultimately been revoked.

34. Act No. 11 of 1965 provided for compulsory primary education. Act No. 21 of 2015 guaranteed the right to education for all children. If a child's parents were unknown, the Ministry of Social Affairs and Labour assumed responsibility for school enrolment. His country attached great importance to human rights courses at all levels of education. For

instance, there was a course for grade 12 students on the human rights enshrined in the Constitution. The university human rights curriculum was not confined to law faculties but was an optional course for all university students.

35. **Mr. Alghunaim** (Kuwait) said that the Private Crèches Act (No. 22 of 2014) specified the role of kindergartens that were overseen by the Ministry of Social Affairs and Labour. There were currently 505 such kindergartens.

36. **Mr. Talal Almutairi** (Kuwait) said that the allegation that access to the Internet had been blocked during the COVID-19 epidemic was unfounded. The Communication and Information Technology Regulatory Authority had decided to reduce access by 40 per cent, but every individual's right of access was respected.

37. **Ms. Alhajeri** (Kuwait) said that pre-primary education in private kindergartens was not free of charge for any children, regardless of whether they were citizens or non-citizens of Kuwait.

38. **Mr. Abashidze** (Country Rapporteur) said that, in keeping with the "New Kuwait" vision for 2035, which the State party had launched with a view to addressing existing challenges and moving towards a more prosperous future in which all rights were fully guaranteed, said he hoped that the State party would accede to the Optional Protocol to the Covenant so that individual citizens could seek protection of their rights.

39. **Mr. Alghunaim** (Kuwait) said that the participation of a high-level delegation in the constructive dialogue with the Committee demonstrated his country's deep interest in all issues pertaining to the Covenant and its willingness to benefit from the best international practices. The State of Kuwait would continue to adopt numerous legislative and administrative measures to guarantee compliance with the articles of the Covenant and full respect for the Constitution and Islamic sharia.

The meeting rose at 12.20 p.m.