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Committee on Economic, Social and Cultural Rights Fifty-first session

Summary record (partial)* of the 32nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 November 2013, at 3 p.m.

Chairperson: Mr. Kedzia

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports

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

Second periodic report of Kuwait (continued) (E/C.12/KWT/2; E/C.12/KWT/Q/2; and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.*
2. **Ms. Shin**, noting that many of her earlier questions had not yet been answered, asked whether domestic workers raped by their employers could lodge complaints, and how many such cases had actually been investigated and prosecuted. She asked whether it was true that four Muslim witnesses were required for such a complaint to be filed.
3. **Mr. Mohamed Almutairi** (Kuwait) said that rape was considered a crime under the Criminal Code. Proof could include the findings of a medical examination or testimony by witnesses, who did not need to be Muslims.
4. **Mr. Alsulaimi** (Kuwait), replying to questions about the provision of housing for foreign workers, said that the applicable legislation required employers to provide foreign workers with appropriate housing or an alternative benefit. Standards for such housing were determined by the Ministry of Social Affairs and Labour. The Ministry's Labour Inspectorate performed checks to ensure that the requirements were met, and violations had in fact been uncovered. A joint venture was being created to build "labour cities" for foreign workers.
5. **Ms. Alnaser** (Kuwait) said that illegal residents were provided with either rental allowances or housing. Recently enacted legislation provided for additional low-cost housing to be built for illegal residents.
6. **Mr. Mohamed Almutairi** (Kuwait), replying to questions about early marriage, said that awareness of the issue had increased and that the practice, though still widespread, was diminishing. While Islamic law, or sharia, did not stipulate a minimum age for marriage, the legislation on certification of marriage contracts included provisions to protect minors and define the responsibilities of both parties.
7. Replying to a question about housing for unmarried young people, he said that, as Islamic society prohibited cohabitation, unmarried couples could not rent housing, but unmarried individuals could do so separately.
8. **Mr. Talal Almutairi** (Kuwait), replying to questions about environmental pollution, said that his Government attached great importance to environmental issues and had established a directorate for environmental protection. A national programme had been set up to educate citizens about environmental protection issues such as waste disposal. Firms and factories that violated the prevailing regulations were fined, and a number of factories had been compelled to install pollution-reducing equipment.
9. **Mr. Mohamed Almutairi** (Kuwait) replying to questions about education, including human rights education, said that all university students in Kuwait were required to take a human rights education course, and since 2006 public secondary schools had provided human rights education. His delegation could supply the Committee with the syllabuses and textbooks used. Human rights education was also being expanded to civil society. Kuwait was participating in the Arab Plan for Human Rights Education, 2009–2014.

10. There was a secondary-level syllabus for imparting environmental awareness, and Kuwait was participating in a joint project with Japan to teach children about environmental issues.

11. As to which publications were allowed into the country, he said that the Constitution provided for freedom of information and publication, and that any material that contributed to the development and fulfilment of the population could be imported. At the same time, the Covenant allowed States parties to set certain limits, and it was important to ensure that frivolous, defamatory or offensive publications did not enter Kuwait. Regarding social media, he said that freedom entailed responsibility and could be granted only if it did not result in offence to others.

12. Replying to questions about post-secondary education, he said that, while the State had a constitutional responsibility to educate Kuwaiti residents, his country's single public university could not even accommodate all eligible Kuwaitis, let alone others. Everyone, including illegal residents, had the right to enrol in private universities. University acceptance thresholds were determined yearly by the Ministry of Education.

13. His country believed in cultural diversity. Various cultures were represented among the indigenous Kuwaiti population, and the large numbers of foreign workers had also contributed to cultural diversity.

14. Article 35 of the Constitution stated that freedom of belief was absolute. Therefore the beliefs of the majority in Kuwait were not imposed on others living there. At the same time, religious practices that contravened sharia and offended others could not be tolerated.

15. **Mr. Alkandari** (Kuwait), emphasizing his Government's support for culture, said that his country's involvement in various high-level international events with a cultural component was evidence of an emphasis on cultural diversity and cooperation.

16. **Mr. Marchán Romero** (Country Rapporteur) asked what mechanisms were in place to provide for the well-being of illegal residents.

17. **Mr. Sadi** requested additional information about the anti-smoking campaign mentioned at the previous meeting. He asked to what extent anti-smoking regulations were being enforced and what measures were being taken to combat cardiovascular diseases.

18. **Ms. Alshaigy** (Kuwait) said that the Ministry of Health had taken various measures to discourage smoking and had established a national commission to combat the practice. There were special clinics for smokers, and school curricula informed pupils of the dangers of smoking. A ministerial decree of 2013 prohibited smoking in a range of public places. In particular, smoking bans in hospitals had been strictly implemented. Her Government was implementing the United Nations Political Declaration of 2011 on the prevention and control of non-communicable diseases.

19. **Ms. Alnaser** (Kuwait) said that the five-year plan concerning illegal residents placed them in one of three groups: those who had to readjust their status, those who were eligible for naturalization and those with clean records. The latter could receive five-year residence permits and enjoy all services on a par with nationals. The almost 105,000 residents listed in the civil registry received a card enabling them to access the services and privileges to which they were entitled. Some received only education and health-care services, while others enjoyed the same services as nationals. Monthly allowances and free health insurance were given to eligible residents, who had to follow legal procedures and undergo genetic imprint processes in order to be naturalized.

20. **Mr. Schrijver**, while commending the fact that freedom of religion was an absolute right in Kuwait, asked who determined the public ethics that occasionally restricted that right and whether restrictions were the same for all denominations. He requested examples.

21. **Mr. Marchán Romero** (Country Rapporteur) asked whether ethnic, religious and linguistic minorities were recognized in legislation, in order to guarantee their minority rights and cultural identity.
22. **Mr. Alsaeedi** (Kuwait) said public ethics were determined by Islam, the Constitution and legislation, which provided guidance in cases of rights violations. Islam provided a stable and well-established reference for morality, without room for personal opinions. Moral restrictions and article 95 of the Constitution, stipulating freedom of belief, applied to both Muslims and non-Muslims, and religious practices were protected in accordance with public order and ethics. There were no minorities as defined by international law, but there were residents who had their own identity and background. Their identity was protected through the provision of services such as education, and their right to freedom of belief.
23. **The Chairperson** said that, under international law, it was not for the State to decide whether a group was a minority; the group itself should make that decision. He asked whether any group had been, or aspired to be, recognized as a minority.
24. **Mr. Al Moghamis** (Kuwait) said that there were no separate ethnic groups; there were Kuwaitis and foreigners who came to the country to work.
25. **Mr. Alsaeedi** (Kuwait) said that Kuwait was a democracy whose Constitution protected all people, including minority groups and it was therefore not necessary for such groups to demand their rights. Cultural sensitivities were recognized and everyone was counted in the census.
26. **Mr. Sadi** asked whether the Committee's general comments, which gave detailed explanations of the articles of the Covenant, had been examined by the Kuwaiti Government. If so, what conclusions had been drawn from them?
27. **Mr. Al Moghamis** (Kuwait) said that all the Committee's suggestions were taken into account by the Government and that its general comments were very useful.
28. **The Chairperson** said that the Committee had developed more than 20 documents providing interpretations of the Covenant to help States parties and other stakeholders understand their commitments. He asked whether those general comments had contributed to the development of legislation and the preparation of the report.
29. **Mr. Al Moghamis** (Kuwait) said that Kuwait based its thinking on those comments.
30. **Mr. Alkandari** (Kuwait) said the Government closely examined clarifications of international instruments, for example at a 1997 seminar where lawyers had provided clarifications of the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. A detailed understanding of the Covenant was required and Kuwait took care to closely follow the principles established by the Committee and apply its recommendations.
31. **Mr. Marchán Romero** (Country Rapporteur) asked whether marital rape had been criminalized in the amended Criminal Code.
32. **Mr. Mohamed Almutairi** (Kuwait) said that marital rape came under sharia law and was not covered by the Criminal Code. However, divorce was permitted in cases where one spouse harmed the other.
33. **Mr. Al Moghamis** (Kuwait), making his concluding remarks, said that the dialogue with the Committee helped in the development of human rights legislation. Replies to all observations and questions would be provided, and the Committee's frankness was appreciated.
34. **Mr. Marchán Romero** (Country Rapporteur), while commending the specific legislation and bodies established in Kuwait dealing with economic, social and cultural

rights, said that it was important to implement framework legislation which would help the Committee better evaluate efforts to protect those rights. The practical application of laws was important to the Committee, which could make constructive recommendations based on the problems reported by the State party. The situation of illegal residents should be addressed through permanent and specific measures; it would be interesting to see in the next report how such measures had been implemented.

35. Although the State party might view adherence to international instruments as simply a recommendation, the Committee's opinion was that those instruments aided in implementing rights. Therefore, to address problems concerning the Bedoun population, the Committee suggested that Kuwait should accede to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. The Committee also looked forward to the prompt establishment of an independent human rights institution. The existing human rights education was insufficient; such education should be provided at all levels and for all those involved in the application of rights.

36. **The Chairperson**, noting that the delegation had suggested that domestic law was occasionally a barrier to implementing the Covenant, said that the Vienna Convention on the Law of Treaties clearly stated that States parties could not use domestic law as an excuse for possible non-compliance with commitments under a treaty. There was no room for flexible interpretations of that Convention. The Committee hoped to receive updates from the State party before the submission of its next periodic report and was available for consultation if necessary.

The discussion covered in the summary record ended at 4.30 p.m.