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## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-second session

### SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,

on Friday, 30 April 2004, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Kuwait (continued)

The meeting was called to order at 3.10 p.m.

##### CONSIDERATION OF REPORTS (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Kuwait (continued) (E/1990/5/Add.57; E/C.12/Q/KUW/1/Rev.1)

At the invitation of the Chairperson, Mr. Al-Dousari, Mr. Al-Khalifi, Mr. Al-Shatti, Mr. Jasem Hussein, Mr. Al-Raish and Mr. Razzooqi (Kuwait), took places at the Committee table.

Mr. AL-RAZZOOQI (Kuwait) said that a specific procedure was to be followed when concluding international agreements or acceding to international legal instruments. The agreements or instruments in question were examined by the Government before being submitted to the National Assembly, which then voted on the text paragraph by paragraph in a first and second reading.

His Government was deeply committed to its international obligations and made every effort to guarantee the consistency of national legislation with international legal instruments. It was, however, bound by the decisions taken by the National Assembly. Should the Assembly fail to adopt a treaty or other instrument in its entirety, the Government was obliged to have recourse to partial accession.

The provisions relating to the separation of powers were contained in articles 50 to 54 of the Constitution. None of the branches might relinquish all or part of its competence as specified in the Constitution. Matters relating to the proclamation of martial law and the role of the National Assembly in that context were detailed in articles 69 and 181.

The Emir's function in legislative matters was purely procedural. He had the power to proclaim martial law by decree and decrees issued by the Emir assumed the force of law when the National Assembly was not in session.

When assessing the state of implementation of the Covenant, it was important to recall that the Kuwaiti legal framework had been established well before the country's accession to it. It was therefore self-evident that adaptation to the Covenant could only be achieved over time, although considerable efforts were being made to incorporate its provisions in national legislation.

Mr. JASEM HUSSEIN (Kuwait) said that adjudication in Kuwait occurred on three levels: the courts of first instance, the courts of appeal and the court of cassation. Nomination of judges fell under the purview of the Supreme Judicial Council. Subsequent to their nomination, the Emir appointed them by decree.

Mr. AL-RAISH (Kuwait) said that article 4 of Act No. 14/1973 stipulated the procedure for recourse to the Constitutional Court. The Court could be appealed to either directly by a member of the National Assembly or the Cabinet, or indirectly through another court at the request of either party to a lawsuit. The decisions of the Constitutional Court were final and binding.

Mr. AL-RAZZOOQI (Kuwait) said that it was incumbent on Kuwaiti courts to rule in cases where the provisions of national legislation contravened obligations under international legal instruments.

The CHAIRPERSON asked the delegation to elaborate on the issue of protection of human rights at the national level.

Mr. AL-RAZZOOQI (Kuwait) said that Kuwait had a national human rights committee, under the National Assembly, as a forum to discuss any issues related to human rights.

The CHAIRPERSON noted that the Paris Principles relating to the status of national institutions for the promotion and protection of human rights stipulated the independence of national human rights institutions from the executive, legislature and judiciary. She asked whether the Kuwaiti national human rights committee fulfilled those requirements.

Mr. JASEM HUSSEIN (Kuwait) said that, although the national human rights committee was a body of the National Assembly, debate on any human rights-related issue was completely independent of government involvement. The committee's activities were thus to be regarded as consistent with the provisions of the Paris Principles.

The CHAIRPERSON asked the delegation to specify how exactly the operations of the committee complied with those Principles.

Mr. JASEM HUSSEIN (Kuwait) said that the committee was an independent body that had the right to submit reports on the human rights situation and bring human rights-related issues to the attention of the relevant institutions. It prepared reports for submission to external committees or committees of the National Assembly. Those bodies were competent to adopt decisions and propose bills to be submitted to the National Assembly. If the bills were adopted by a majority vote, the promulgation of a law would ensue. To his knowledge, the way the committee functioned was in accordance with the Paris Principles.

Mr. RIEDEL said that in order to assess the full implementation of the Covenant rights, it would be useful to learn of recommendations made by the national human rights committee concerning the promotion and protection of economic, social and cultural rights, and of any subsequent action taken by the Government. He asked whether such information could be obtained at short notice. If not, the Committee could include a request in its concluding observations.

Mr. SADI asked whether Kuwait would be prepared to request admission to the Asia-Pacific Forum, whose members were required to meet the requirements of the Paris Principles regarding their national human rights committees. Admittance to the Forum would prove the State party's compliance with those Principles.

He also asked about Kuwait's position on the Arab Charter on Human Rights. The Charter was an important instrument in international human rights standard-setting, and a favourable stance could underpin Kuwait's commitment to the promotion and protection of human rights.

Mr. KERDOUN said that to his knowledge the Kuwaiti national human rights committee was composed of members of the National Assembly, which raised questions regarding its objectivity. Common practice was for national human rights bodies to be composed of independent expert members of civil society. He asked whether there were any truly independent human rights bodies in Kuwait.

He drew attention to the fact that the Arab Charter on Human Rights had not yet been adopted, which hampered implementation and standard-setting in the field of human rights in Arab countries.

Mr. AL-RAZZOOQI (Kuwait) said that Kuwait had participated in a number of international forums on human rights, including meetings of the Asia-Pacific Forum, which indicated the importance accorded to the matter. Kuwait viewed the Arab Charter on Human Rights as a valuable instrument for the promotion and protection of human rights.

He reminded the Committee that Kuwait was a country with a clean human rights record, where political imprisonment and torture were unknown. Respect for human rights was deeply rooted in the country's traditions and its religion, and Kuwait prided itself in being a tolerant and open society.

#### Articles 1-5 of the Covenant

Mr. AL-SHATTI (Kuwait) said that the first woman to head a university in the Arab world, Dr. Faizah Mohammed Al-Kharafi, was Kuwaiti. Dr. Al-Kharafi had been rector of the University of Kuwait between 1994 and 2002; in 2002 she had also been appointed minister.

Mr. AL-DOUSARI (Kuwait) said that legislation provided for fixed-term as well as open-ended contracts for migrant workers. The maximum duration of a fixed-term contract was five years. Open-ended contracts were issued for a maximum period of one year and were renewable.

The terms of contracts for migrant workers were established prior to their arrival and were binding for the duration of the contract. After two years, the employee was free to change jobs. Should any conflict arise during those two years, the employee could lodge a complaint with the competent institutions. In the case of arbitrary conduct on the part of the employer, the employee had the right to transfer to another employer.

That procedure did not apply to domestic workers, who were free to change employers without restriction. In April 2004 the Ministry of Social Affairs and Labour had issued a decree regulating the work of recruitment agencies for domestic workers.

A directorate composed of representatives of different ministries, a labour representative, a representative of the Chamber of Commerce and a representative of the General Confederation of Trade Unions in Kuwait had been created to monitor the situation of domestic workers. The directorate prepared responses to human rights-related issues raised by countries that exported labour and collected statistics on migrant workers in Kuwait. It was entrusted with preparing manuals on legislation affecting migrant workers, copies of which were supplied to the embassies of concerned countries.

Mr. AL-DOUSARI (Kuwait) said that a Kuwaiti court had recently ruled that employers could not retain the passports or other travel documents of foreign workers, whether as a way of bringing pressure to bear upon a worker or for any other reason.

#### Articles 6-9 of the Covenant

The CHAIRPERSON said that a question had been raised concerning the State party's failure to ratify International Labour Organization (ILO) Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize. She asked the delegation to give the reasons for non-ratification and to indicate when it planned to ratify.

Mr. KOLOSOV asked whether strikes were prohibited in Kuwait. If that was not the case, ratification was possible.

Mr. MALINVERNI asked why a number of important ILO Conventions, namely Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, Convention No. 100 concerning Equal Remuneration for Men and Women Workers of Work of Equal Value, Convention No. 102 concerning Minimum Standards of Social Security, Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, Convention No. 122 concerning Employment Policy, Convention No. 160 concerning Labour Statistics, and Convention No. 174 concerning the Prevention of Major Industrial Accidents, had not been ratified.

Mr. AL-DOUSARI (Kuwait) said that the draft new labour law had been submitted to the Cabinet for approval. The draft did not mention minimum wage regulations, but contained provisions on trade union rights and salaries for workers in the oil fields. ILO Conventions No. 105 concerning the Abolition of Forced Labour, No. 111 concerning Discrimination in respect of Employment and Occupation, No. 119 concerning the Guarding of Machinery, and No. 136 concerning the Protection against Hazards of Poisoning Arising from Benzene were included in the draft legislation. No changes had been made concerning the rights of migrant workers.

The remaining Conventions would be ratified in the near future. In spite of Kuwait's failure to ratify a number of international labour conventions, no complaints had been lodged for labour rights violations.

Replying to question 13 in the list of issues, he said that numerous ministerial decrees concerning the protection of workers, including those in the oil industry, had been adopted. Moreover, Kuwait had ratified ILO Convention No. 119 concerning the Guarding of Machinery and ILO Convention No. 136 concerning Protection against Hazards of Poisoning Arising from Benzene. The monitoring of safe working conditions in the oil industry was carried out by the trade unions and by the insurance companies contracted by the foreign and national oil companies.

Replying to question 14 in the list of issues, he said that several ministerial decrees prohibited children in Kuwait from working in hazardous jobs. Moreover, Kuwait had ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Ministry of Social Affairs and Labour had issued a ministerial decree in 2004 prohibiting the employment of all children under age 18, except for the purposes of vocational training as stipulated by the Labour Law. However, a report issued by the Youth Association had stated that working as a camel jockey was a sporting activity, not a job, and it was therefore up to the parents of those engaging in it to see that their children were covered by accident insurance.

In response to question 15 in the list of issues, he said that disabled children preparing to enter the work force could receive education grants of up to US\$ 12,000 per year, and allowances granted to the parents of disabled children were 50 per cent higher than those for normal children. Kuwaiti legislation for the protection of disabled persons required public and private undertakings of 50 or more employees to ensure that disabled persons made up at least 2 per cent of their total staff. Special retirement pensions were granted to disabled men after 15 years of service and to disabled women after 10 years of service. The law provided special grants for disabled persons who were totally incapable of working.

Mr. RAZZOOQI (Kuwait) said that Kuwait had no system of taxation, with the exception of a 4 per cent customs tax on imported goods. The society, as a whole, was therefore free from the obligation to pay income taxes, which was an advantage that amounted to an additional form of assistance for disabled persons incapable of working.

Mr. AL-DOUSARI (Kuwait), replying to question 16 in the list of issues, said that the end-of-service benefit paid to workers in Kuwait was relatively high. That benefit was paid, even following the Iraqi invasion, to all persons who had previously worked in Kuwait. In 2003 there had been some 27 officially recognized trade unions, through which workers could receive social insurance benefits. Unemployment benefits were not paid to foreign workers, since such workers were allowed to work in Kuwait only if they held valid employment contracts approved by their respective Governments.

In response to question 17 in the list of issues, he reported that the new draft labour law had been approved by the Ministry of Social Affairs and Labour and had been submitted for adoption to the Council of Ministers for consideration. It would subsequently be submitted to the People's Assembly, where workers and employers would have a chance to discuss its provisions. The new draft labour law provided that the Ministry of Social Affairs and Labour could establish a minimum wage for certain professions or sectors of industry.

Regarding question 18 in the list of issues, he said that a number of measures had been taken to protect domestic workers, including the establishment of a directorate for domestic staff, and the appointment of an inter-ministerial commission for dealing with the problems of domestic workers. The functions of the inter-ministerial commission were to collect statistics on foreign workers and to

gather information on labour conflicts and the verdicts of court cases in which such workers were involved. A guidebook containing the texts of the relevant executive orders pertaining to migrant workers had been prepared in Arabic and English to address questions frequently asked by the embassies representing the countries of origin of such workers.

In reply to question 17 in the list of issues, he said that under the new draft labour law workers had the right to form trade unions in conformity with ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize.

With regard to question 20 in the list of issues, he noted that the new draft labour law did not contain the requirement that non-citizens must be legal residents for at least five years in order to become members of a trade union. Rather non-citizens could join trade unions if they were employed in Kuwait.

In response to question 21 in the list of issues, he recalled that the new draft labour law, which covered issues relating to trade unions, would be submitted for adoption to the People's Assembly.

Regarding question 22 in the list of issues, he reported that the new draft labour law did not prohibit the right to strike. If there was no legislation expressly prohibiting the right to strike, then, under Kuwaiti law, that right was admissible. However, the State could enact legislation to maintain public order and the safety of citizens without expressly prohibiting the right to strike. Law No. 38 of 1964 on employment in the private sector defined the steps to be taken to resolve collective labour disputes between workers and employers, beginning with attempts to resolve differences through direct negotiations. If attempts to negotiate a solution failed, either of the parties could seek the intervention of the Ministry of Social Affairs and Labour. Should the matter not be resolved within 15 days, it would then be referred to a labour arbitration board. Employers and workers were required to respect that procedure before resorting to a strike. A number of orderly strikes, not requiring the intervention of the authorities, had taken place in Kuwait in recent years.

In reply to question 23 in the list of issues, he said that the Kuwaiti social security system provided numerous advantages over other systems owing chiefly to the extensive financial support provided by the State. For that reason it was difficult to judge the Kuwaiti system on the basis of international criteria. Non-citizens were granted social security in the form of an ~~end of~~ service benefit.

Although non-Kuwaiti workers were not covered by the social security scheme, they had access to a solidarity fund established by the trade unions and received a lump sum payment upon termination of their employment, based on their salary and their grade. Furthermore, foreign workers were able to seek the assistance of trade unions in labour disputes and were entitled to take legal action against their employers.

Mr. RAZZOQI (Kuwait) said that the social security system was financed by the monthly contributions made by employers and employees. Employees were required to contribute 5 per cent of their monthly earnings and employers and the Government each contributed 10 per cent. On retirement, individuals could expect to receive a pension of up to 95 per cent of their last monthly earnings. Military retirees, disabled persons and disadvantaged groups also received generous allowances and families received benefits for up to seven children. It would be a huge strain on the system to provide such allowances for non-Kuwaitis, many of whom, in any case, received benefits from their own States.

Mr. TEXIER said that the lack of written replies to the list of issues (E/C.12/Q/KUW/1/Rev.1) was a major obstacle to the consideration of the report. The State party had provided ample information about the legislation currently in force in Kuwait, yet had failed to provide satisfactory answers concerning its implementation. Noting with concern the lack of female members of the delegation, he requested further information about the access of women to high-level decision-making posts.

For a number of years, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization had been holding talks with the Government of Kuwait regarding the abolition of forced labour. Although the Government had prepared a new draft labour law that was set to resolve many of the problems in that sphere, it appeared very little progress was being made towards its adoption. He would like to know when that new law would be adopted.

He was particularly concerned that, under current legislation, the right to work did not apply to seasonal or domestic workers. Furthermore, a number of reports drew attention to the lack of legal provisions to protect foreign domestic workers - most of whom came from Asia - from abuse and economic exploitation. It appeared that a significant number of minors were employed as domestic workers and that many were forced to work long hours without pay. Allegedly, it was not uncommon for them to be raped by their employers or have their passports confiscated. It would be useful to know what specific measures were being taken to prevent such exploitation, which was tantamount to a modern form of slavery. Furthermore, he would like to know what steps were being taken to implement ILO Convention No. 182, to which Kuwait was a party. In that regard, he expressed concern that children as young as 14 were legally allowed to work. Children of that age should be in school.

Given that current legislation made no provision for a minimum wage, he would be interested in knowing the minimum amount a worker could expect to earn and what standard of living that amount afforded. He would also like to know whether any penalties were imposed on employers who paid their employees too little.

The ILO Committee of Experts had also expressed dissatisfaction with the restrictions placed under the current Labour Law on the right to form trade unions. For example, the Law stated that at least 100 employees were required in order to establish a trade union and that, in order to join a trade union, non-citizens had to have been legal residents for no less than five years and had to provide proof of good character. Those and the other restrictions on the right to form a trade union were not consistent with article 8 of the Covenant. The Law should be amended and effectively enforced without delay.

The State party indicated in paragraph 120 of its report that, although workers could resort to strikes to force employers to meet their demands and to improve working conditions, because of the negative consequences of strikes and collective disputes on labour relations and the national economy, the Law on Employment in the Private Sector laid the basis for the resolution of collective labour disputes by means of conciliation and arbitration. Yet, strike action was usually taken by workers to force employers to meet their

demands when collective negotiations had already proved unsuccessful. It appeared therefore that the right to strike was restricted in a way that was incompatible with the Convention. Further information should be provided.

Ms. BRAS GOMES enquired whether Kuwait's social security system protected employees against occupational diseases and accidents. Regarding the situation of foreign workers, she said that, unlike Kuwait, most States did not provide social security benefits to nationals working outside the country and that consequently the majority of foreigners working in Kuwait - most of whom were unskilled labourers - received no benefits at all. Although providing such workers with social security protection would inevitably place a huge burden on a system as generous as Kuwait's, States had a responsibility under the Covenant to treat national and foreign workers on an equal basis in terms of labour relations and social security. She would like further information about the solidarity fund that had been established by the trade unions and wondered how that fund was linked to the question of social security. She would also like to know whether any studies had been conducted to determine whether or not Kuwait's social security system was financially sustainable in the long term. Lastly, she asked whether the fact that non-Kuwaitis were not covered by the social security system was the reason behind the Government's reluctance to ratify ILO Convention No. 102.

Mr. CEAUSU said that he welcomed the establishment of a special directorate to monitor the situation of domestic workers. He wondered whether efforts would be made to compile a register of all domestic labour contracts. He would also be interested in knowing whether the directorate was able to receive complaints from or provide legal assistance to domestic workers wishing to institute proceedings against their employers. He would also like to know whether a mechanism would be introduced to ensure the enforcement of court decisions taken in favour of domestic workers, as it seemed that such decisions were frequently ignored.

He would welcome further details about the Labour Inspectorate within the Ministry of Social Affairs and Labour which was responsible for ensuring compliance with health and safety regulations in the workplace. He wondered what resources were available to it and how many inspectors it had. He also wondered whether those inspectors had the authority to carry out on-the-spot inspections and to impose sanctions if necessary. It was regrettable that the State party had not provided any statistics about work-related accidents; some should be provided in its second periodic report.

Mr. KOLOSOV asked the delegation to explain the legal meaning of Kuwait's reservation to article 8.1 (d) of the Covenant, in the light of the fact that strike action was not prohibited by law. The delegation should also indicate whether social insurance requirements and benefits were written into work contracts. He would also be interested in knowing the legal force of the interpretative declaration made by the Government regarding article 9, which indicated that, while Kuwaiti legislation safeguarded the rights of all Kuwaiti and non-Kuwaiti workers, social security provision applied only to Kuwaitis. Lastly, he asked whether non-documented residents were given written work contracts.

Mr. AL-KHALIFI (Kuwait) said that it was purely coincidental that the delegation comprised only men. Women played a significant role in public life and decision-making in Kuwait.

In Kuwait, there was no fixed retirement age; married women were allowed to retire after a service period of 15 years and men were allowed to retire after 20 years. However, it had generally been agreed that the retirement age should not be under 40 for women and 45 for men. The system in Kuwait was unique in that the average pension was higher than the average wage earned by the active labour force, thanks to the generous contributions paid by the State. However, the phenomenon of early retirement, particularly of women, was placing increasing strain on Kuwait's social security fund. The contributions paid in were not enough to sustain the range of benefits that were provided for under the system.

A number of studies had been conducted within the Gulf Cooperation Council to determine the impact of extending social security coverage in Kuwait to workers from any of the Council's six members. Such a measure could be seen as a first step towards extending coverage to all foreigners. However, before any such steps could be taken, it was necessary to reduce early retirement and to increase the contributions to the system.

Mr. RAZZOQI (Kuwait) said that a number of cases involving the abuse or exploitation of a domestic worker had been taken to court and decisions handed down. One of the main tasks of the directorate for domestic workers was to monitor compliance with the provisions and rules laid down in the legislation on the organization of recruitment agencies for domestic workers. The Labour Inspectorate within the Ministry of Social Affairs and Labour had offices in each of the country's five administrative regions and a total staff of approximately 600. The inspectors had the authority to access workplaces and to close them down if necessary. They also had the authority to inspect the accommodation provided to employees and to monitor the payment of salaries. As it had recently been found that employees frequently collected pay cheques on behalf of colleagues, which could lead to exploitation, the Inspectorate had recommended the adoption of a new law making it compulsory for employers to transfer wages directly into the employee's bank account.

Mr. AL-DOUSARI (Kuwait) said that under the Labour Law, men and women were entitled to equal pay for work of equal value. The phenomenon of forced labour did not exist in the country - most contracts between employers and workers were concluded outside Kuwait and required the consent of the parties. A minimum working wage was not provided for under the Labour Law because many people worked on a freelance, part-time or commission basis, in which case the employer and employee agreed on the wages under the contract. The Labour Law prohibited minors under 21 from being employed as domestic workers. Any violations that occurred were the result of document falsification in labour-exporting countries.

Employers did not have the right to withhold an employee's passport. However, if they did so, a special judge dealing with urgent cases would order the return of the document to the worker immediately. The Ministry of the Interior and the Ministry of Social Affairs and Labour dealt with cases involving acts of aggression against workers. He stressed that all cases were considered and all victims treated equally. Embassies had the right to follow up on the situation of their nationals in Kuwait. They were also entitled to legal representation before the courts and full access to information. Data on acts of aggression against workers had been collected and would be made available in the near future.

Mr. AL-SHATTI (Kuwait) stressed that trade unions had a lot of freedom in Kuwait. For example, owing to their efforts, a number of rulings had been issued against the Ministry of Social Affairs and Labour, holding that certain legal provisions violated workers' rights. Workers had the right to strike but were not allowed to engage in or encourage violence while on strike. A number of strikes had been organized in the past, including by bank employees, a national petroleum company and pilots.

Mr. RAZZOOQI (Kuwait) said that women were not prohibited from occupying high decision-making posts. However, they did not have the right to vote or to be elected as ministers and could not become members of the Cabinet or Parliament because Cabinet members automatically became members of Parliament. In his view, the best way to deal with the situation would be to give women the right to vote and to be elected as ministers.

Mr. SADI asked the delegation to give examples of cases where employees had been prosecuted for mistreating domestic workers.

Mr. RAZZOOQI (Kuwait) reiterated that, at present, the delegation did not have figures on violence against workers at its disposal and would make them available in the near future.

Mr. KOLOSOV said that all three branches of the Government were responsible for implementing the Covenant.

Ms. BRAS GOMES asked whether social security covered occupational accidents and diseases.

Mr. GRISSA stressed that, by ratifying the Covenant, the Government had assumed responsibility for implementing it.

#### Articles 10-12 of the Covenant

Ms. BARAHONA RIERA wondered whether, as the delegation claimed, gender equality really existed in the country. The State party should acknowledge any shortcomings in that respect. No programmes or institutions promoting gender equality seemed to be in place. The fact that women accounted for nearly 50 per cent of the labour force did not mean that they were not being discriminated against.

She welcomed the progress made in the fields of health and education with regard to the protection of mothers and children but said that there was a lot of discrimination in terms of the protection of families. For example, women could not inherit on equal terms with men. The issues of divorce, custody and upbringing of children were also of great concern. To her knowledge, only Kuwaiti citizens received an allowance designed to help them with the upbringing of children. If the parents were divorced, the allowance was apparently paid only to the father.

She stressed that domestic violence did occur in the country and that laws banning such violence, and sexual abuse, should be introduced.

She requested information about the situation and rights of children born out of wedlock, as well as children of stateless or non-Kuwaiti fathers. Data on nutrition for children of legal and illegal immigrants and refugees would be welcome. For example, did immigrants and refugees receive food coupons?

She would be interested to know whether any programmes were being conducted for immigrants on issues relating to sexual and reproductive health. Finally, could the delegation provide figures on the prevalence of AIDS in the country and describe the measures taken to combat the disease?

Mr. ATANGANA, referring to paragraph 150 of the initial report, asked what measures had been taken to ensure the effective implementation of Penal Law No. 16 on the protection of children from all forms of violence. Had any perpetrators been convicted? What steps was the Government taking to help the victims? According to some sources of information, sentences handed down to perpetrators of violence against children were purely symbolic.

The minimum age of criminal liability was too low. In addition, no specific data on corporal punishment had been provided. Did the Government intend to ban corporal punishment? It would also be useful to know what measures were being taken to combat trafficking in people.

Ms. BRAS GOMES, referring to paragraph 79 of the initial report, asked the delegation to describe how the Government was helping women strike a balance between their duties at the place of work and at home. For example, were childcare services in place?

Referring to paragraph 150 (e) of the report, she wished to know whether there was an ongoing five-year childcare plan and whether all children of pre-school age were accommodated in kindergartens.

She asked whether it was true that the monthly allowance for children was paid only to the father if the parents were divorced. If so, did the Government plan to change that?

It would also be useful to know whether the Government envisaged amending the laws on abortion, as they contained no provisions authorizing abortion on humanitarian grounds.

Mr. MALINVERNI wished to know whether any institutions were in place which provided assistance to young foreign domestic workers wishing to go to court and whether the latter were entitled to legal counsel and free-of-charge interpreting services during the trial?

He asked whether any exceptions were made with regard to abortion, for example when the pregnancy was the result of rape or when it endangered the woman's life.

It would be useful to know what information was provided to women concerning reproductive health. What was the Government's policy on contraception and what type of contraception did most women use?

Mr. RIEDEL said that, according to the delegation, non-citizens with residence and work permits had no social security protection but received end-of-service supplements which were reportedly equivalent to the amount paid to Kuwaiti citizens as social security benefits. He wondered whether, if calculated on an annual basis, the amount foreigners received was really equivalent to that paid to citizens.

Despite the State party's reservation under article 8.1 (d) of the Covenant, article 9 still applied under international law, and the delegation should reply to the Committee's questions in that regard. Under article 9 of the Covenant, States parties recognized the right of everyone to social security, including social insurance. He asked what kind of social security system the Government envisaged, keeping in mind that it must not contravene articles 2.2 and 3 of the Covenant. If the delegation was unable to reply immediately to the question, it should do so in its next periodic report.

Referring to paragraph 172 of the initial report, he said that in order to assess whether the Government was complying with the Covenant the Committee would need disaggregated data on malnutrition. Data relating to the work of the national AIDS committee, referred to in paragraph 181 of the report, should also be provided.

In its concluding observations in 1988, the Committee on the Rights of the Child had noted that there was a high mortality rate among male adolescents in Kuwait due to accidents and external causes. He wished to know what the situation was with regard to the implementation of economic, social and cultural rights of young people and, in particular, young men. What was being done to prevent deaths among adolescents and what results had been achieved?

The meeting rose at 6 p.m.