



**Economic and Social  
Council**

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
Pre-sessional working group  
2-6 December 2002

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration  
of the initial report of KUWAIT concerning the rights referred to  
in articles 1-15 of the International Covenant on Economic,  
Social and Cultural Rights (E/1990/5/Add.57)**

## **I. GENERAL INFORMATION**

1. Please explain the extent - if any - to which the realization of economic, social and cultural rights in the State party has been affected by the current state of affairs existing between the State party and Iraq.
2. Please indicate whether Kuwaiti NGOs contributed to the preparation of the State party's report.

### **General legal framework within which human rights are protected**

3. Please indicate whether a national plan of action for the promotion and protection of economic, social and cultural rights has been adopted.
4. Please indicate whether a national human rights institution has been established in a manner consistent with the Paris Principles of 1991.
5. Please explain how the Covenant is legally binding and applicable in courts of law and its provisions are taken into consideration by the various branches of Government. Please cite cases when the Covenant was invoked in a court of law.
6. In view of the fact that article 70 of the Constitution stipulates that generally, treaties and conventions duly ratified and published in the official gazette automatically become legally binding, but those that incur additional expenses for the State party or require legislative amendments become legally binding only when promulgated as a law, please explain whether the Covenant has been enacted as a law of the State party since it has financial implications and requires legislative adjustments.
7. Please indicate how the Covenant is being taught in schools and colleges and given publicity. In this connection, please indicate whether public officials, the judiciary and members of the police are provided with information on the Covenant as well.
8. Please indicate to what extent the economic, social and cultural rights of stateless people residing in the State party have been affected by the non-ratification of the 1954 Convention relating to the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2.2 - Non-discrimination**

9. Given that about 60 per cent of the population of Kuwait is made up of non-Kuwaiti citizens, including the Bidoon, please indicate how non-citizens may enjoy equal economic, social and cultural rights in the same way as citizens of the State party. Do non-citizens who are legally resident in the State party have the right to work and to choose their employment freely?

**Article 3 - Equal rights of men and women**

10. Please explain the role of women in the decision-making bodies of the State party.

**III. ISSUES RELATING TO SPECIFIC RIGHTS  
RECOGNIZED IN THE COVENANT (arts. 6-15)**

**Article 6 - The right to work**

11. Kuwaiti citizens are accorded the right to work and the free choice of work. Please explain how this right is being secured and implemented by measures, legislative or otherwise, taken by the State party.

12. Article 18 of the Constitution stipulates that children above the age of 14 may work. Please indicate how ILO Conventions Nos. 138 and 182 are being implemented and which other ILO conventions are being considered for ratification by the State party.

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

13. The State party's laws provide for safe working conditions, particularly in the oil industry. Please explain how this right is being monitored and implemented.

14. Please indicate what measures the State party has taken to protect young children from engaging in dangerous work, including their employment as camel jockeys.

15. The State party's report indicates that persons with physical or mental disabilities are provided with work opportunities. Please indicate the measures, legislative or otherwise, taken to implement this right.

16. The State party's report indicates that there is no unemployment problem. Please indicate whether there are unemployment benefits available to non-citizens.

17. Please provide information on the draft new Labour Law and when it will be adopted. Does the draft new Labour Law make provision for a minimum wage?

18. Please indicate what measures the State party has taken to protect domestic workers from abuse and economic exploitation.

**Article 8 - Trade union rights**

19. Article 71 of the 1964 Labour Law states that a minimum number of 100 employees are necessary to establish a trade union and that no more than one trade union for a particular profession or trade can be formed. Please explain whether the new Labour Law envisages changes to these requirements.

20. In order for non-citizens to be members of a trade union they must be legal residents for no less than five years. Please explain whether this requirement is contained in the draft new Labour Law.

21. Article 73 of the Labour Law precludes trade unions from engaging in any political or religious activity or to invest in real estate or other business endeavour. Please explain how these restrictions are consistent with article 8 of the Covenant and relevant ILO standards.

22. The State party's report states that the right to strike is not specifically provided for, but that it is generally considered lawful. If this is the case, why is a provision on the right to strike not included in the draft new Labour Law as provided for in the Covenant and in the relevant ILO Conventions?

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

23. The State party provides for social security for its people. To what extent do non-citizens benefit from this social security system?

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

24. What measures does the State party intend to adopt in order to introduce specific legislation criminalizing domestic violence and marital rape?

25. Please provide information regarding the problem of child abuse and corporal punishment in the family. What measures has the State party adopted to address these problems?

26. Please indicate what measures, legislative or otherwise, the State party intends to take to accord equal rights to Kuwaiti men and women on entering into marriage with non-Kuwaitis or persons who are not Muslims.

27. Please provide information on measures adopted by the State party under article 10 of the Covenant to ensure the right of married women to obtain their own passports and travel outside the country. In addition, how are the restrictions on the travel of children consistent with article 10?

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

28. The report of the State party indicates that the State party secures appropriate housing for all Kuwaitis. Please explain how this objective is being achieved and indicate whether, or to what extent, non-citizens benefit from State housing programmes.

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

29. Are non-citizens lawfully resident in the State party entitled to health insurance, social security and other benefits accorded to its citizens?

30. Please provide disaggregated and comparative statistics on the extent of prevalence of HIV/AIDS in the State party and the measures being taken to deal with it.

31. Please indicate what measures the State party has taken to protect the psychological health of persons, particularly children, in the wake of the Gulf war.

**Article 13 - Right to education**

32. Please explain to what extent primary education is compulsory and free for all persons under the jurisdiction of the State party. Is this free and compulsory education guaranteed only to citizens, as Law No. 1 of 1965 on education appears to suggest?

33. Is there a plan to extend free education to all levels of education, including higher education?

34. Please provide information on the situation of the educational rights of children of non-Kuwaiti parents living in the State party.

35. Please provide information on the availability of vocational education for persons with disabilities.

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