

REFERENCE: 2024-10/CESCR/FU

18 March 2024

Excellency,

On behalf of the co-Rapporteurs for the follow-up to concluding observations and in my capacity as Chair of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the third periodic report submitted by Kuwait at the Committee's seventieth session, held in 2021. After examining the State party report, the Committee requested Kuwait to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 17, 23 (c), and 35 (a) of the concluding observations(E/C.12/KWT/CO/3).

The Committee welcomes the follow-up report (E/C.12/KWT/FCO/3) received in September 2023 under its follow-up procedure. The Committee examined the report at its seventy-fifth session, held from 12 February to 01 March 2024, and wishes to communicate the following assessment:

Paragraph 17: Discrimination against Bidoon – Assessment: Lack of Sufficient information to make an assessment

The State party's report highlights various measures taken with regard to the status of the Bidoon. These measures include the adoption of Decision No. 1612 of 2010 and subsequent measures outlined in Decision No. 409 of 2011, along with the submission of a bill to the National Assembly.

While acknowledging the information provided, the Committee notes that much of the information provided outlines measures taken that preceded the adoption of the concluding observations in 2021. Furthermore, the Committee is concerned at the fact that the Bidoon, many of whom have lived in Kuwait for generations, continue to be deemed "illegal residents" by the State party, which reflects neither their status as stateless persons nor their historical and traditional ties to Kuwaiti society and territory. The Committee is further concerned about reports regarding the persistence of de jure and de facto discrimination against the Bidoon in the State party, with ongoing challenges in exercising their human rights, in particular, limited access to justice, decent work, social security, health care and education, as well as acquiring nationality and obtaining identity documents.

His Excellency

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The Committee further notes that the information provided by the State party in paragraph 4 of its follow-up report demonstrates interest in implementing the reiterated recommendations made by the Committee in good faith. Nonetheless, it regrets that the State does not provide further information on the measures and services it has provided.

In light of these concerns, the Committee is of the view that additional information on the implementation and impact of measures adopted to follow up on the concluding observations of 2021 would be essential for a more comprehensive evaluation. Consequently, the Committee assesses that there is a lack of sufficient information to assess progress on the implementation of recommendations made with regard to the Bidoon population, including those from 2021 and 2013. In this connection, the State party is requested to provide, in its next periodic report, specific details on the outcomes, timelines and effectiveness of the measures adopted with regard to previous recommendations in paragraph 9 from the Concluding observations on the second periodic report of Kuwait from 2013 (E/C.12/KWT/CO/2), including information on the road map adopted by the Council of Ministers and the bill submitted to the National Assembly - and its content - to evaluate the full extent of progress and determine whether a permanent solution has been achieved. The State party is also expected to report on the measures taken to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Paragraph 23 (c): Migrant domestic workers – Assessment: Insufficient progress

The Committee appreciates the relevant information on the measures adopted since 2021, including Government Decision No. 22 of 2022, containing the implementing regulation for the Domestic Workers Act (Act No. 68 of 2015), as well as awareness-raising campaigns on domestic workers’ rights, and regular inspections of recruitment offices and companies to ensure compliance with the Domestic Workers Act, among other measures detailed in the State party’s follow-up report.

The Committee acknowledges the information provided. It notes, however, that much of the information provided outlines measures taken that preceded the adoption of the concluding observations in 2021. Furthermore, despite the efforts made, the Committee notes reports that migrant domestic workers continue to experience structural barriers to reporting violations, widespread abuse, exploitation, and exclusion in labor law. The Committee further notes reports that challenges such as long working hours, denial of sick leave, and limited access to legal remedies persist, raising concerns that existing mechanisms to enforce these protections are insufficient.

Therefore, while acknowledging some steps taken since the consideration of the State party's report, the Committee considers the progress made to be objectively insufficient to address the seriousness of the problem. The State party is requested to provide, in its next periodic report, detailed information on measures taken to implement the recommendation and the progress made thereby.

Paragraph 35 (a): Right to education – Assessment: Partial progress

The State party’s follow-up report highlights various legislative, administrative and policy measures adopted with regard to this recommendation. Nonetheless, the Committee is concerned with reports of persistent barriers, both administrative and financial, which continue to be faced by some non-Kuwaiti children and stateless

children, including the Bidoon children, hindering their access to education on an equal footing with Kuwaiti children.

Consequently, the Committee assesses that there is partial progress in the implementation of this recommendation.

The State party is requested to provide, in its next periodic report, information on the implementation and impact of Decrees No. 224 and No. 225 of 2014 and Decree No. 116 of 2016, issued by the Ministry of Education, in facilitating access to primary education without discrimination for all children within the State party's jurisdiction, notably non-Kuwaiti and stateless children, including Bidoon children. Furthermore, the State party is requested to provide data, disaggregated by age, sex, disability, ethnic or national origin, migratory status, and region urban/rural, on children within the State party's jurisdiction who are unable to access the State education system or attend State educational institutions.

Please accept, Excellency, the assurances of our highest consideration.



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co-Rapporteur for follow-up

Committee on Economic, Social and
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Laura-Maria Crăciunean-Tatu

Chair

Committee on Economic, Social and
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