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|  | **Advance Unedited Version** | | Distr.: General  15 March 2019  Original: |

**Committee on Economic, Social and Cultural Rights**

List of issues in relation to the [[1]](#footnote-2)\*

I. General information

1. Please provide information on the steps taken to guarantee the independence of the National Bureau for Human Rights and the diversity of its members and to bring it in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

2. Please provide information on the progress made in reaching the targets set in the State party’s intended nationally determined contribution under the Paris Agreement and in setting a quantitative greenhouse gas emissions reduction target. Please inform which State agencies have already developed and environmental strategy and related action plan and implementation mechanism, in the framework of the Environmental protection Act. Please provide examples of findings made by the observers appointed by the Supreme Council for the Environment and the follow-up actions taken.

3. Please provide information on the existing regulatory framework to ensure that public and private companies under the State party’s jurisdiction respect economic, social and cultural rights throughout their operations, including overseas operations. Please also provide data on cases brought by persons affected by such operations and on the remedies available to them.

**II. Issues relating to the general provisions of the Covenant (arts. 1-5)**

**Maximum available resources (art. 2 (1))**

4. In order to assess whether the State party uses its available resources to the maximum to give effect to the Covenant rights, please provide information on the changes, over the past five years, in:

(a) The proportion of people living below the poverty line and the level of inequality, preferably defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Rates of tax on company profits and on personal incomes, rates of value added tax (excluding taxes on luxury items, on tobacco and alcohol, on sugared drinks and snacks and on fuel) and the percentage of total revenue generated by the personal income tax levied on the richest decile of the population;

(d) Public expenditure as a percentage of gross domestic product and the proportion of total public expenditure that is devoted to social spending (employment, social security, food, housing, water and sanitation, health, education and culture).

**Non-discrimination (art. 2 (2))**

5. Please provide information on the steps taken towards the adoption of a comprehensive anti-discrimination law, prohibiting direct and indirect discrimination on all grounds.

6. Please provide information on the progress made on the implementation of the recommendation made by the Committee regarding the recognition of the status of Bidouns under the Law on Citizenship and their naturalisation process so that they can fully enjoy their economic, social and cultural rights. In this regard, please inform on the proportion of Bidouns who have obtained the Kuwaiti citizenship, on a comparative basis for the last five years.

7. Please explain which measures are envisaged to promote positive attitude towards persons with disabilities, ensure they equally enjoy their economic, social and cultural rights and promote their full integration and participation in the society. Provide information on the considerations being made regarding the guardianship regime and the recognition of the legal capacity of persons with disabilities.

**Equal rights of men and women (art. 3)**

8. Please provide information on the steps taken to amend the legislation of the State party with a view to prohibiting discrimination based on sex and abrogate legal provisions that discriminate against women. In particular, please inform on the steps foreseen to:

(a) Amend article 2 of the Kuwaiti 1959 Nationality Law to recognize any person born to a Kuwaiti father or mother as a Kuwaiti citizen with equal rights;

(b) Allow women to pass inheritance to their children;

(c) Amend the Housing Welfare Act in order to allow women who are divorced, widowed or married to non-Kuwaitis to receive state property;

(d) Ensure that women have equal rights when entering marriage, during marriage, in obtaining divorce and after divorce, including the abrogation of the requirement of male guardianship (*wali*) for women.

**III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

**Right to work (art. 6)**

9. Please provide data on unemployment disaggregated by age and disability status, during the reporting period. Please provide information on the impact of the measures taken, including the “By my own efforts” project and the “Boutique 33 Business and Enterprise Development Incubator, on the employment of women in the public and private sectors and on female entrepreneurship, in particular young women.

10. Please provide data disaggregated by sex and origin (nationals/non-nationals) on the proportion of persons with disabilities who are in employment, on a comparative basis for the past five years. Please provide information on the impact of the measures taken to encourage persons with disabilities to enter the job market. In particular, please provide information on compliance with the quota of four per cent for employment of persons with disabilities in companies employing fifty or more Kuwaiti workers, including statistical data on compliance in the public sector, in accordance with the State party’s legislation. Please inform about the measures taken, if any, against non-compliant companies.

11. Please provide information, including actual statistical data for Kuwaiti and foreign workers, on the implementation of the “Kuwaitization” plan aiming at reducing the foreign workforce by 100,000 every year over 10 years. Explain which safeguards have been put in place in order to avoid unfair dismissal and protect the other human rights of those affected by the plan.

**Right to just and favourable conditions of work (art. 7)**

12. Please provide information on the progress achieved to reduce the gender pay gap, address the vertical and horizontal gender segregation in the labour market, and promote equal pay for work of equal value for men and women.

13. Please provide information on the measures envisaged to ensure that the minimum wage enables a decent living to workers and their families. Inform also on the measures taken to expand the application of the minimum wage to all sectors, including domestic work, and to ensure that the minimum wage for domestic workers applies to all, irrespective of nationality.

14. Please provide information on the steps foreseen to abolish the system of sponsorship of migrant workers (*kafala*) and the offense of “absconding”.

15. Please provide information on the measures taken to guarantee the rights of migrant domestic workers. In particular, please update the Committee on:

(a) The measures taken to raise the public’s awareness of the 2015 Law on Domestic Work and its 2016 implementing regulations, inspections mechanisms and remedies available to domestic workers;

(b) The number and nature of complaints received against employers/agents, the number of cases that have been investigated/prosecuted, and the number and nature of sanctions applied against abusive employers, on a comparative basis for the last five years;

(c) The measures foreseen to introduce deterrent penalties for non-compliance of employers with the law;

(d) Any steps envisaged to amend the 2015 Law on Domestic Work to bring it in line with the Kuwaiti Labour Law, notably in regard to working hours as well as to entitlement to rest and sick leave;

(e) The measures taken to ensure that cases of labour exploitation of domestic workers are treated as such and fall under the scope of the anti-trafficking legislation; the number of cases of labour exploitation prosecuted as human trafficking, on a comparative basis for the last five years.

16. Please provide data about the number of complaints of sexual harassment in the workplace submitted by both Kuwaiti and non-Kuwaiti workers. Indicate the percentage of cases in which the victim received compensation and the perpetrator was adequately punished.

17. Please provide information on the measures foreseen to align the maternity leave entitlement of foreign workers employed in the public sector with the maternity leave entitlement of Kuwaiti women. Please inform about the steps envisaged to introduce a parental leave in order to promote co-responsibility of men and women in childcare.

**Trade union rights (art. 8)**

18. Please inform on the steps envisaged by the State party to withdraw its reservation to article 8, paragraph 1(d) of the Covenant and establish legal safeguards for the exercise of the right to strike.

19. Please inform about the steps foreseen to amend the Labour Code in order to extend trade union rights to non-nationals. Please inform about the measures taken to ensure that new labour policies and regulations are systematically based on a tripartite agreement.

**Right to social security (art. 9)**

20. Please provide information on the steps envisaged by the State party to withdraw its interpretative declaration to article 9 of the Covenant according to which social security provisions apply only to Kuwaitis and on the measures foreseen to guarantee non-national access to its contributory social security schemes for old-age pension and unemployment.

21. Please explain which are the existing social assistance schemes available to those who are unable to work, and what is the eligibility criteria for each type of assistance. Please also provide sex-disaggregated data on the proportion of persons entitled to and the proportion of persons benefitting from (a) unemployment allowances and (b) old-age pensions.

**Protection of the family and children (art. 10)**

23. On the basis of the information provided in paragraph 38 of the State party’s third periodic report, please provide information on the measures taken to ensure the birth registration of children born outside of wedlock or in a marriage considered invalid under the law of the State party, without any discrimination whatsoever.

24. Please provide information on the impact of the introduction of the term “non-Kuwaiti” on official documents on the number of birth certificates issued to foreigners born in the State party, as well as data on the proportion of foreign children who obtained a birth certificate, on a comparative basis for the past five years.

25. Please update the Committee on the measures taken to amend the Personal Status Law in order to establish a minimum age of at least 18 for marriage for both boys and girls, in accordance with international standards.

**Right to an adequate standard of living (art. 11)**

26. Please provide information on the measures taken to guarantee that migrant workers live in adequate conditions; in cases when housing is not provided by the employer, please inform about the measures taken to guarantee their access to adequate and affordable housing.

**Right to physical and mental health (art. 12)**

27. Please provide information on the measures adopted to guarantee access to healthcare without discrimination, including for migrant workers. In addition, please provide information on:

(a) The measures taken to guaranteeaccess to sexual and reproductive health information and services for everyone, as well as the steps envisaged to expand the circumstances where abortion is permitted with a view to ensuring the legislation’s compatibility with women’s rights;

(b) The steps envisaged towards the deinstitutionalisation of persons with mental health conditions in favour of non-residential services and supported housing programmes. Please also provide information on the measures taken to raise awareness and address stigma related to mental health conditions among the population and among medical practitioners. In addition, please provide information on the progress made towards the adoption of the draft law on Mental health by the Parliament and on the foreseeable impact it will have on persons with mental health conditions, including on their admission and placement in psychiatric institutions.

**Right to education (arts. 13-14)**

28. Please provide information on the progress achieved and the challenges encountered in promoting access to education for all and eliminating discrimination and barriers that prevent disadvantaged and marginalised children from fully enjoying their rights to education. In particular, please describe the measures taken to guarantee the access of children and youth with disabilities to an inclusive education and to provide education professionals with adequate training on working with children with disabilities. Provide data on the proportion of children with disabilities enrolled in integrated schools, on a comparative basis for the last five years.

29. Please provide information on the measures foreseen to guarantee women’s participation in higher education on equal level and amend discriminatory regulatory provisions and practices such as the transfer of married female students to evening education and differences in grade requirements.

**Cultural rights (art. 15)**

30. Please inform about the steps taken to develop a legislative framework that defines and recognizes minorities and minority communities and groups and that guarantees their right to freely choose their own cultural identity and preserve and promote their own culture.

31. Please provide information on the measures taken to guarantee the freedom of everyone to participate in cultural life. In particular, provide details about ban decisions made by the Book Authorisation Committee during the last five years, including the number of cases of banned books, the grounds for the ban, and the number of ban decisions overturned by the Grievance Committee and by courts, respectively.

1. \* Adopted by the pre-sessional working group at its [sixty-](http://context.reverso.net/traduction/anglais-francais/sixtieth)fourth session (11-15 March 2019). [↑](#footnote-ref-2)