



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Ninety-third

31 July-25 August 2017

Item 4 of the provisional agenda

### Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

## List of themes in relation to the combined twenty-first to twenty-fourth periodic reports of Kuwait

### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### Legal, institutional and public policy framework for combating racial discrimination (arts. 2-7)

2. Comprehensive statistical data on economic and social indicators for the population of Kuwait, disaggregated by ethnicity (CERD/C/KWT/CO/15-20, para. 7; CERD/C/KWT/21-24, para. 114).
3. Domestic law defining racial discrimination in conformity with article 1 of the Convention (CERD/C/KWT/CO/15-20, para. 8; CERD/C/KWT/21-24, paras. 115-118).
4. Concrete examples of the application of the Convention in courts and administrative acts (CERD/C/KWT/CO/15-20, para. 9; CERD/C/KWT/21-24, paras. 119-122).
5. Conformity of the national human rights institution, Diwan Huquq al-Insan, with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (CERD/C/KWT/CO/15-20, para. 10; CERD/C/KWT/21-24, paras. 123-124 and 213-214).
6. Revision of the Penal Code to ban racist organizations and to prohibit the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred and discrimination (CERD/C/KWT/CO/15-20, para. 12; CERD/C/KWT/21-24, paras. 6, 21, 138-139 and 160).
7. Statistics and information regarding racist hate crimes, hate speech and other acts of racial discrimination, including the number and type of cases identified, the number of persons prosecuted and sanctioned, the remedies provided to victims and the ethnic background of victims.
8. Any legislative amendment to the Civil Service Act (Act No. 15 of 1979) to prohibit discrimination in employment in the public administration on grounds of sex, origin,

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language and religion (CERD/C/KWT/CO/15-20, para. 14; CERD/C/KWT/21-24, para. 153).

9. Any amendments to the Nationality Act (Act No. 15 of 1959) to allow Kuwaiti women married to foreigners to transmit their nationality to their children and spouses on equal footing with Kuwaiti men (CERD/C/KWT/CO/15-20, para. 18; CERD/C/KWT/21-24, paras. 126-127 and 173-176).

10. Any human rights training provided to investigating magistrates, law enforcement officials and other public servants (CERD/C/KWT/CO/15-20, para. 23; CERD/C/KWT/21-24, para. 124 and bolded paragraph under para. 199).

#### **Situation of migrant workers (arts. 2-7)**

11. Substance of and progress made under the Prevention of Trafficking in Persons and Smuggling of Migrants Act (Act No. 91 of 2013); any mechanisms established to prevent trafficking and to identify, protect and provide social services to victims of trafficking (CERD/C/KWT/CO/15-20, para. 13; CERD/C/KWT/21-24, paras. 140-151).

12. Substance of, including in respect of the minimum wage and the number of days of annual leave, and mechanisms for enforcing labour legislation, including the Employment of Domestic Workers Act (Act No. 68 of 2015) and Act No. 69 of 2015 (CERD/C/KWT/CO/15-20, para. 16; CERD/C/KWT/21-24, paras. 162-166 and 191-199).

13. Efforts to abolish the sponsorship (Kafala) system, and allow foreign and domestic workers to obtain residency permits and lawfully terminate their employment contracts. (CERD/C/KWT/CO/15-20, para. 19; CERD/C/KWT/21-24, paras. 177-179).

14. Regulation by the Public Authority for Manpower and other relevant bodies of the recruitment and employment of private sector workers (CERD/C/KWT/CO/15-20, para. 19; CERD/C/KWT/21-24, paras. 177-179 and 196-198).

15. Monitoring and inspection procedures to protect domestic workers; statistics on investigations, prosecutions and convictions of and sentences imposed on perpetrators of abuse of domestic workers and on remedies provided to victims, disaggregated by gender (CERD/C/KWT/CO/15-20, para. 23; CERD/C/KWT/21-24, paras. 163-166, 190 and 194-197).

16. Conditions for those staying at shelters for workers fleeing abuse (average length of stay; availability of interpretation services; means of redress for grievances; whether shelter is available to both male and female workers) (CERD/C/KWT/21-24, paras. 196 and 198-199).

17. Efforts to review the system for the administrative deportation of migrant workers (CERD/C/KWT/CO/15-20, para. 19).

18. Accessibility of public health-care services to migrant workers (CERD/C/KWT/21-24, paras. 91-98 and 171-172).

#### **Situation of the Bidoon and ethnic minorities (arts. 2-7)**

19. Concrete measures to provide the stateless Bidoon with residency permits, freedom of movement, civil documents and access to social and medical services (CERD/C/KWT/CO/15-20, para. 17; CERD/C/KWT/21-24, paras. 167-172).

20. Availability and accessibility of free compulsory primary education, as well as secondary education, for non-Kuwaiti children (CERD/C/KWT/CO/15-20, para. 21; CERD/C/KWT/21-24, paras. 182-185).

#### **Situation of asylum seekers and refugees (arts. 5-7)**

21. Laws and enforcement mechanisms for providing basic human rights to asylum seekers and refugees (CERD/C/KWT/CO/15-20, para. 20; CERD/C/KWT/21-24, paras. 180 and 203-204).