



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

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Eightieth session

Summary record of the 2134th meeting

Held at the Palais Wilson, Geneva, on Friday, 17 February 2012, at 10 a.m.

Chairperson: Mr. Amir (Vice-Chairperson)

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In the absence of Mr. Avtonomov, Mr. Amir, (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Fifteenth to twentieth periodic reports of Kuwait (continued) (CERD/C/KWT/15-20; CERD/C/KWT/Q/15-20)

1. *At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.*
2. **The Chairperson** invited the delegation to proceed with its replies to questions raised by members of the Committee at the previous meeting.
3. **Mr. Marafi** (Kuwait) thanked the Committee for its constructive comments. He would ensure that future reports were drafted in line with the guidelines on reporting. Before its submission to the Committee, the draft report had been circulated to a number of NGOs, including the Kuwait Lawyers Association, the Human Rights Association and the Kuwait Association for Fundamental Principles of Human Rights.
4. He described the background to current moves to establish a national human rights institution in Kuwait, and said that meetings had already been held with the Office of the United Nations High Commissioner for Human Rights to that end. Unlike the human rights committees described at the previous meeting, the national human rights institution would be an independent body, in line with the Paris Principles.
5. The National Assembly had been dissolved in 2011 in accordance with the provisions of the Constitution. Elections had been held on 2 February 2012, and the new Assembly had recently held its first session. Some 36 death penalty sentences had been handed down since 2007, to 31 men and 5 women of various nationalities, including Kuwaiti nationals. None had been executed.
6. **Mr. Jafar** (Kuwait) said that the two protocols supplementing the United Nations Convention against Transnational Organized Crime — the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air — had been ratified by Act No. 5, promulgated in March 2006, and had thus become an integral part of Kuwaiti legislation.
7. Various mechanisms were provided for under the Criminal Code (Act No. 16) of 1960 and its amendments to prevent trafficking in persons and protect victims of trafficking. The Criminal Code also contained many provisions protecting labour rights and freedoms, including those of migrants. It provided for severe penalties for offences such as murder, assault, abduction, kidnapping and trafficking of slaves, and provided for compensation when claimed by victims. Article 49 of Act No. 31 of 1970, amending the Criminal Code, criminalized all forms of forced labour and exploitation of persons, including the withholding of their wages without good reason. Under that article, any official or employer who exploited workers, employed them by force or withheld all or part of their wages was punishable by a prison sentence of up to 3 years and/or a fine of up to US\$ 1,000.
8. With regard to trafficking in persons and slavery, article 185 of the Criminal Code made it an offence to bring a person into Kuwait, or remove them from it, for the purpose of slavery, or to buy or offer for sale a person to be used as a slave. Such offences were punishable by a prison sentence of up to 5 years and a fine of up to US\$ 2,000. In Kuwait there was no trafficking in slaves as such, according to the internationally recognized definition; however, there had been individual cases in which workers had been exploited

for financial gain. Under the Criminal Code, a number of acts relating to prostitution, and incitement to engage in such acts, were punishable by 1 year's imprisonment. Anyone who compelled a minor under the age of 18 to engage in such acts of prostitution, or deluded them to that end, was punishable by a prison sentence of 5 years, or 7 years if the victim was under 13. Any person who profited from the prostitution of others with or without their consent, including within the framework of a protection racket, or any person who ran a place of prostitution was subject to similar punishment.

9. In 2010, there had been 210 offences relating to prostitution, with convictions in 126 cases and 84 acquittals. Act No. 3 of 1982 on minors under the age of 18 provided, in article 21, that any person who incited a minor to delinquency, prostitution or dishonourable employment was punishable by a 3-month prison sentence, without prejudice to any other punishment applicable under the Criminal Code. The offence of prostituting a person in one's care or under one's guardianship was punishable by up to 3 years' imprisonment.

10. The Ministry of Justice had prepared a bill on trafficking in persons and the smuggling of migrant workers which had been submitted to the Cabinet for adoption. The Cabinet in turn had referred the bill to the legislation committee of the National Assembly, where it was in the process of being ratified. It would subsequently be ratified by the Emir of Kuwait, in accordance with article 79 of the Constitution. The bill defined the crime of trafficking in persons and the smuggling of migrants in line with the definitions contained in international conventions, and provided for very severe penalties, including life imprisonment. The bill also specified a number of safeguards and services for victims of trafficking and smuggling, such as medical and social care, and accommodation in State-run shelters.

11. With regard to the protection of migrant workers from all forms of discrimination, Act No. 40, promulgated in 1992, regulated the work of employment agencies for domestic workers and similar employees, such as chauffeurs. Under the Act, employment agencies were required to obtain a permit or licence from the Ministry of the Interior before hiring workers. The Act protected workers from being treated as a commodity and made it an offence to charge them a fee in exchange for finding them work.

12. Act No. 1, promulgated in 1999, governed the provision of health insurance and health services for foreign workers in exchange for a modest fee. Anybody applying for a residence permit must have medical insurance.

13. Act No. 617 of 1992 governed the granting of permits for employment agencies hiring domestic workers. All domestic workers, and workers in general, had the right to seek remedy and/or obtain redress in the event of violation of their rights.

14. With regard to the issue of implementation of Islamic sharia law in Kuwaiti courts and the extent to which sharia law was applied to persons who did not belong to the four Sunni schools of interpretation of Islamic law, such as followers of the Jafari school of interpretation, he said that the principles of sharia law applied to matters of personal status such as marriage, divorce, alimony and other family issues. Article 346 of the Personal Status Code specified that the Code applied to followers of the Maliki school of interpretation of Islamic law; other persons, including foreigners, could choose to have other legislation applied, in which case they were required to provide the judge with a certified copy of the relevant legislation.

15. There were special rules for followers of the Jafari — or Shiite — school of interpretation of Islamic law, and cases were dealt with in Jafari courts. Special courts in Kuwait ruled on personal disputes for non-Muslims; the judge ruled according to the relevant religion or the specific legislation applying to that person.

16. In accordance with article 151 of the Criminal Code, capital punishment was only handed down by the courts when justified by circumstances such as premeditation or ambush. Full legal safeguards were in place to ensure that all defendants — and not only those charged with a capital offence — had the right to a fair trial. All defendants had the right to attend all hearings of their trial and be accompanied by legal counsel. In cases where defendants could not afford counsel, the court was obliged to assign a defence lawyer. Defendants were not asked to take the oath before giving their statements in court, which enabled them to retract any previous admission of guilt. Any confession made under duress or as a result of torture was considered null and void, and those responsible were severely punished.

17. When a court of first instance handed down a sentence of capital punishment, it referred its ruling, on its own initiative, to a court of appeal. The court of appeal could annul or commute the sentence or find the defendant not guilty. If the court of appeal confirmed the sentence, it automatically referred the case to the court of cassation, which reviewed it in its entirety and could confirm or annul the sentence. If the sentence was confirmed it could only be executed if ratified by the Emir. The Emir could confirm, commute or pardon. If the person sentenced was a pregnant woman, when the baby was born the sentence was commuted to life imprisonment.

18. **Mr. Alsulaimi** (Kuwait) said that use of the term “migrant workers” to describe foreign workers in Kuwait was in fact inappropriate; all foreign workers in Kuwait were temporary workers, employed for a specific task and duration. The term “contractual workers” would therefore be more appropriate. The issues of minimum wage, employment of children and employment agencies were all governed by the Private Sector Employment Act (No. 6) of 2010, which amended the previous Act No. 38 of 1964. The former Act had been drawn up in consultation with ILO in order to ensure its conformity with the ILO conventions ratified by Kuwait.

19. The Act provided for a range of protections for workers. Employers, for example, were forbidden to employ or import workers if they did not need them. Employers were also prohibited from reducing wages, and any agreements on rights signed by workers that were not in conformity with legislation were considered null and void. The Act provided for the establishment of a labour inspectorate, which referred any anomalies to the competent authorities. It also made it compulsory for employers to open a bank account for their employees, and to transfer their wages to the accredited bank, providing the Ministry of Social Affairs and Labour with a copy of the transfer order. Where amicable resolution of labour disputes was not possible, they were referred to court. Since 2010, approximately 1,800 such cases had been referred to court by the Ministry of Social Affairs and Labour. Some 30 per cent of the cases had been reviewed and ruled on, and the rest were still under consideration.

20. Under the Private Sector Employment Act, the Ministry of Social Affairs and Labour was obliged to set a legal minimum wage, to be reviewed every five years, taking into consideration inflation and other economic factors. A decision had been taken to set the net minimum wage at the equivalent of US\$ 200. It should be borne in mind that the cleaners and domestic workers to whom the minimum wage applied did not have board and living expenses, which were borne by their employers.

21. The phenomenon of child jockeys for camels and horses no longer existed. In 2004, the Ministry of Social Affairs and Labour had issued a decree prohibiting the use of children in those occupations, replacing them with robots; since then no children have been employed in that capacity.

22. The sponsorship system was admittedly far from perfect. It was not covered by any legislation, not even by Kuwaiti labour law. Certain ministerial decisions had prevented

workers from changing their employment without the approval of their original employer or sponsor. The decisions had been motivated by market-related considerations and a desire to balance the rights of employers and employees. In 2009, however, the Minister for Social Affairs and Labour had issued Ministerial Decree No. 179 of 2009, which permitted employees to change sponsors without the consent of the original sponsor after three years of employment. The Ministry could also permit a transfer before the expiry of the three-year period if it ascertained that the employer was unjustifiably retaining the employee. The Ministry was currently seeking, in consultation with ILO, to develop an alternative system that would ensure that the interests of the employer and employee were equitably balanced. Act No. 6 of 2010 provided for the establishment of a public body to oversee the welfare of private-sector employees. The Ministry had also recently drafted a bill to terminate the sponsorship system that would shortly be submitted to the National Assembly.

23. **Mr. Alabtein** (Kuwait) said that the Ministry of the Interior had taken a number of measures aimed at protecting domestic workers from exploitation and racial discrimination. Act No. 40 of 1992 required employment agencies to obtain a licence from the Ministry of the Interior. Anyone who demanded unwarranted fees from the domestic worker or his or her family could be sentenced to imprisonment; employment agencies which did so could be closed down in order to prevent trafficking in persons.

24. The Act also established the terms of reference of officials sent by the Ministry to inspect the records and financial transactions of the employment agencies. Ministerial Decision No. 617 of 1992, as amended by Decision No. 1182 of 2010, laid down the conditions governing the issuing of a licence. The licensee must have a clean legal record and deposit 20,000 dinars (roughly \$65,000) with the Ministry of the Interior as surety in respect of any dispute involving the owner or employees of the agency. The licence could not be transferred and employees could not be forcibly retained. All employment contracts were reviewed by the Ministry to ensure that the employment agency concerned had been issued with a licence. If an agency was found to have acted in contravention of public safety or moral principles, the licence would be withdrawn. Thirty employment agencies had lost their licences on those grounds in 2011.

25. A body established by the Ministry of the Interior was authorized to receive complaints from domestic workers in the event of failure to pay their wages or failure to comply with all terms of their contract. A new type of tripartite contract for domestic workers involving the employment agency, the employer and the employee, which had been launched on 1 October 2006, incorporated many privileges for domestic workers. For instance, the employer was rendered liable for the provision of accommodation, clothing and food. The employee could not be employed by another party during the contract period and could only be required to provide the services described in the contract. He or she was entitled to a minimum wage, four weeks' leave a year, one day off a week and an eight-hour working day. Compensation was payable for overtime and occupational hazards. If an employee died, the employer was required to pay two months' wages to the family and to cover the cost of repatriation of the body. All domestic employees had an absolute right to keep their passports in their possession.

26. The Ministry of Foreign Affairs had requested all Kuwaiti embassies to keep copies of domestic workers' contracts so that prospective employees were fully informed of their terms when they applied for a visa.

27. Article 166 of the Constitution stipulated that the right of recourse to the courts was guaranteed to all persons and that the law laid down the procedures and conditions for the exercise of that right. A total of 136 cases concerning domestic workers had been registered in 2010 and the convicted parties had included Kuwaiti nationals. The means of redress included Cabinet Decision No. 652 of 2007 concerning the establishment of a shelter for domestic workers involved in a dispute with their employer that prevented the continuation

of a normal working relationship. Medical and social services were provided in the shelter, which was supervised by the Ministry of the Interior. Measures to settle the dispute were taken in cooperation with the embassies of the domestic workers. A total of 607 such cases had arisen in 2011. Over 55,000 foreign domestic and assimilated workers were employed in Kuwait and abuses occurred only in isolated cases.

28. **Mr. Alharbi** (Kuwait) said that the State had begun to take vigorous action against illiteracy in the 1950s and in 1981 a law had been enacted to encourage Kuwaitis under 40 years of age to attend courses in literacy centres. Less than 2 per cent of the population were now illiterate.

29. The State of Kuwait guaranteed the right to education to all persons living in its territory, even children whose parents were in an irregular situation. There were 154 Arab schools and 48 bilingual schools. There were also 61 schools based on the British education system, 31 based on the United States system, 67 based on the Indian system, 61 based on the Pakistani system, 4 based on the Filipino system, 4 based on the French system, 6 based on the Iranian system, 6 based on the Canadian system and 3 based on the Armenian system.

30. Special importance was attached to awareness-raising in accordance with article 7 of the Convention. For instance, Kuwait was implementing the Arab Plan for Human Rights Education, the Arab Plan on the Strengthening of a Human Rights Culture and the Islamic Charter of Human Rights. Training courses were organized for all civil servants working in the various ministries.

31. Human rights had been incorporated in school curricula. For instance, the secondary school human rights syllabus covered different categories of human rights, their main characteristics, sources such as international treaties and the role of international bodies. Children learned about the right to life, the principle of non-discrimination, the right to freedom of belief and expression, the rights of women and children, political rights and citizens' obligations. Civic education courses for young people imparted the values of tolerance and respect for others. Training courses were also organized for teachers.

32. **Ms. Al-Ajmi** (Kuwait) said that women were very influential in Kuwaiti society and held a wide range of senior posts. They accounted for 52 per cent of the labour force and ranked second in the Middle East and Arab world in terms of progress towards bridging the economic gap between men and women. Kuwait also ranked first in the world in terms of the achievement of gender equality in secondary and higher education.

33. Kuwait had ratified the Convention on the Elimination of All Forms of Discrimination against Women and had taken determined steps to combat such discrimination. In particular, women's legal status was equal to that of men, so that they enjoyed the same rights and were subject to the same obligations. The amendment to article 1 of the Election Act meant that women could now exercise parliamentary rights. No woman had won a seat in the National Assembly in the 2005 elections, but four had won seats in 2009 and they participated fully in the drafting of legislation. There were also women in the Ministry of the Interior, the police force and the Supreme Court.

34. Nurseries had been established in women's prisons so that children could remain close to their imprisoned mothers.

35. Articles 23 and 24 of the Private Sector Employment Act (No. 38) of 1964 had been amended in order to support affirmative action, to increase the protection of women and to prohibit their recruitment for hazardous work. There was a law ensuring equal pay for work of equal value and Kuwait had ratified many ILO conventions relating to such rights.

36. Women who were responsible for taking care of a husband or children with disabilities were entitled to early retirement. If they were divorced, they were guaranteed

the right to continue attending to the welfare of their children. Accommodation was provided for widows and divorced women. Kuwaiti women were free to take legal action, in both ordinary and administrative courts, to ensure that their rights were upheld. In August 2008, the Supreme Court had ruled that article 11 of the 1962 Act concerning passports was unconstitutional since a husband's permission was required for a woman to obtain a passport. The administrative courts had issued rulings upholding women's employment rights. Domestic violence was prohibited by articles 161 and 162 of the Criminal Code.

37. The 2.5 per cent Islamic charitable tax known as *zakat* was payable by Muslims and was used to assist the needier members of Kuwaiti society and charitable associations, such as the Red Crescent Society.

38. **Mr. Marafi** (Kuwait) said that every newborn Kuwaiti received an allowance equivalent to about US\$ 200 per month and was entitled to free health care and education. Hospital charges for Kuwaitis were only US\$ 3 dollars a day and for resident non-Kuwaitis US\$ 10 a day. Secondary school graduates were given the opportunity to attend universities abroad, and employment was guaranteed in the light of a person's studies and qualifications. Long-term loans were granted for housing. Illegal residents also enjoyed such benefits. Even if they were unemployed, they received an allowance and their family received food free of charge.

39. **Ms. Alnaser** (Kuwait) said that Kuwaiti society was doing its utmost to address the problem of illegal residents, whose official appellation was not "Bedoon". The Residence of Foreigners Act (No. 17) of 1959 prohibited the granting of permanent legal residence to foreigners who did not possess a valid passport. There were currently some 108,000 persons in that category. The corresponding figure for 1990, i.e. prior to the Iraqi invasion of Kuwait, had been 220,000. A large number had thus either returned to their country of origin or regularized their residence since 1991. The Bedouin who had lived in the region prior to the establishment of the State of Kuwait and had been denied citizenship because of their nomadic lifestyle had all been integrated into urban areas since the adoption of the 1952 structural plan. The Bedouin tribes accounted for a majority of Kuwaiti citizens and enjoyed all the privileges granted under the 1959 Nationality Act. Persons claiming nationality applied in person to special committees to prove their right to Kuwaiti residence and citizenship.

40. She drew attention to a list of the identified nationalities of many of the illegal residents that had been distributed to Committee members. The Supreme Council for Planning and Development had developed a clear-cut strategy or road map to address the situation of illegal residents within a specific time limit. The strategy had been adopted by Cabinet Decision No. 1,612 of 2010, and Decree No. 467 of 2010 had established a central agency to address the status of illegal residents. In settling their status, priority would be given to compliance with the conditions laid down by law. Concurrent practical action was based on a two-track strategy aimed at providing them with all necessary assistance and a decent standard of living, while protecting them against racial discrimination.

41. Under Ministerial Decision No. 409/2011, illegal residents were granted a range of privileges, including free health care, free education services, and the issuance of birth and death certificates. It was also possible for illegal residents to work in both the public and private sectors.

42. Illegal residents were classified into different subgroups. One such subgroup concerned persons whose situation would be regularized, including Bedoon children and persons who had received notification to leave the country but had not been able to do so because of the war with Iraq. Another subgroup was made up of persons who had the possibility of being naturalized in accordance with Act No. 15 of 1969; a number of people

had recently been granted citizenship under that law and further cases were currently being processed.

43. **Mr. Avtonomov** (Country Rapporteur) asked if any women had been elected to the National Assembly in the recent elections. He would like to know whether the Convention had been officially published in Arabic and whether it could be invoked before the courts. He asked whether incitement to racial discrimination was a punishable offence and which domestic laws reflected the provisions of article 4 of the Convention.

44. He enquired whether it was the case that the minimum wage for domestic workers was US\$ 139 and therefore lower than the general minimum wage of US\$ 207. He asked the delegation to comment on reports that foreign workers were often expelled on the basis of administrative decisions, without judicial review. Contractual workers who had come into Kuwait to work should be considered as migrant workers and be allowed to remain in the country if they complied with the law. He was therefore pleased to note that migrant workers were able to change their sponsor after three years. He expressed concern, however, that certain basic rights, such as the issuance of birth and death certificates, were considered by the State party to be privileges. It was the Committee's view that the issuance of such documents was a right and not a privilege. He noted that Kuwait had signed a bilateral agreement with the Philippines on migrant workers and asked whether it had entered into similar agreements with other sending countries.

45. Referring to statistics provided by the State party, he wished to know whether the approximately 38,000 illegal residents with no identified nationality were considered to be Bedoon. The situation of stateless persons in Kuwait was a serious one and it was important that the Government should address the issue. He asked whether children born to Kuwaiti mothers and stateless fathers were granted Kuwaiti citizenship. He would also like to know whether the children of Kuwaiti mothers and foreign fathers could claim Kuwaiti nationality if their parents divorced.

46. **Mr. Marafi** (Kuwait) said the minimum wage for domestic workers was currently around US\$ 215. As to birth certificates, illegal residents had previously refused to register births because they had to state their nationality. In order to overcome that problem, the authorities had introduced new certificates which no longer included that requirement. Furthermore, illegal residents were also issued driving licences, marriage certificates and even passports if they needed medical treatment abroad.

47. **Mr. Al-Jawhar** (Kuwait) said the granting of nationality was a sovereign act. The Nationality Act (No. 15) of 1959 set out the conditions governing the granting of Kuwaiti citizenship for persons meeting the requirements, regardless of their nationality, religion or race. Under a decree amending article 5 of the Act, children born to Kuwaiti mothers were entitled to Kuwaiti citizenship even if their fathers were not Kuwaiti nationals. Under Act No. 21 of 2000, the children of Kuwaiti women married to foreign husbands were granted Kuwaiti citizenship in the event of divorce or the death of the father. Children born in Kuwait to unknown parents were granted Kuwaiti nationality. Applications for nationality from foreign husbands of Kuwaiti women received priority treatment. Palestinians in Kuwait who fulfilled the nationality requirements were granted nationality. Security restrictions applied to certain groups, such as those who had collaborated with Iraqi occupying forces during the war.

48. **Ms. Alnaser** (Kuwait) said that a comprehensive solution would be put in place to address the situation of the 38,000 illegal residents whose nationality was unknown. Under a new strategy, those who fulfilled the necessary requirements would be granted Kuwaiti citizenship and others who met the residence requirements would be granted permanent residence.

49. **Ms. Al-Ajmi** (Kuwait) said that there were offices throughout Kuwait responsible for dealing with workers' complaints. Such complaints were transmitted automatically to the courts without cost to the workers concerned; legal assistance and interpretation services were also provided free of charge as appropriate.

50. **Mr. Albabtein** (Kuwait) said that all persons subject to expulsion orders could seek a judicial review by applying to a court of appeal judge specifically appointed for that purpose.

51. **Mr. Naman** (Kuwait), referring to the elections held in February, said statistics indicated that 60 per cent of votes had been cast by women and, although none of the female candidates had won seats in parliament, the outcome of the elections reflected political trends and did not mean the end of the battle for women's political rights. There would be new opportunities for female representation in executive and legislative bodies.

52. **Mr. Jafar** (Kuwait) said that the Convention had indeed been translated into Arabic and published in the Official Gazette, in line with the provisions of the Constitution. In response to the question whether the courts were able to refer to the provisions of the Convention in their rulings, he stated that they could look to the Convention for guidance, as it had been integrated into national legislation. Laws could not be enacted if they were incompatible with the Convention.

53. **Mr. Diaconu**, referring to the issue of the Bedoon, noted that the majority of illegal residents in Kuwait were Iraqis and asked when they had arrived in the country. If, for example, they had arrived during the war in 2003, they would be refugees of some description, and their status had no connection with the issue of national security in Kuwait. If they had arrived earlier, they could have left Iraq as a result of persecution under Saddam Hussein's regime.

54. Welcoming the delegation's stated commitment to addressing the issue of illegal residents, he suggested that the fact that the majority of non-identified residents in Kuwait were of Arab origin could help the Kuwaiti authorities in dealing with the situation.

55. With regard to persons who were alleged to have collaborated with Iraqi forces in 2001, it was important to know whether they had been convicted of any crimes. If they had never been charged or convicted, how was it possible to know whether they had connections with the enemy? Except in the case of blatant offences, the Kuwaiti authorities should put the past behind them and focus on the issue of human rights.

56. He requested clarification as to whether the stateless people living in Kuwait also included Bedouin, namely nomadic people, and whether they were considered as legal or illegal residents.

57. With regard to migrant workers, the Kuwaiti Government's definition only covered contractual workers, and he wished to know whether other categories of workers existed in Kuwait. He noted that migrant workers were afforded a high level of protection, and suggested that that good practice should be expanded and better publicized. However, the Government should review its definition of migrant workers with a view to also including those without contracts.

58. He supported Mr. Avtonomov's comments relating to rights and privileges.

59. **Mr. Almutairi** (Kuwait) said that the situation of Bedouin in North Africa was very different from that of nomadic peoples in the Gulf area. Nomadic movement had ceased after national borders had been established; the nomads had settled, become Kuwaiti citizens, and been provided with housing. He suggested that there might be some confusion between the terms "Bedoon" and "Bedouin"; the two were, in fact, very different.

60. **Mr. Alsulaimi** (Kuwait), referring to the issue of workers without contracts in the private sector, said that contracts could be concluded orally or in writing. He suggested that the Committee members could have meant workers without work permits rather than contracts.

61. It was true that, in certain cases, workers in the private sector were hired without contracts, which was against the law, and the Ministry of Labour and Employment took measures to resolve such cases. Fines could be imposed and, if necessary, the case could be taken to court. Such measures were additional to the Ministry's general provisions for dealing with illegal workers.

62. With regard to child jockeys, the matter did not fall under the jurisdiction of his Ministry.

63. Regarding the temporary confiscation of passports, the law guaranteed freedom of movement and steps had been taken to end confiscation. Those measures had been consolidated by a judicial ruling, and any employers who confiscated workers' passports would be fined and ordered to pay compensation.

64. With regard to the legal status of domestic workers under the current Labour Code, Kuwaiti legislation provided that even if domestic workers were not covered by the Code, its provisions made it possible to issue legislation governing the employment relationship between domestic workers and their employers.

65. **Ms. Alnaser** (Kuwait) said that the Iraqis referred to by Mr. Diaconu did not belong to the category of refugees or displaced persons, as displaced persons kept their passports; Iraqis did not constitute the majority of Bedoon.

66. **Mr. Naman** (Kuwait), speaking on the subject of the population structure in Kuwait, said that the foreign population had experienced the highest rate of growth. Their average growth rate of just under 7 per cent had placed a burden on resources.

67. **Mr. Vázquez** asked for clarification as to whether books referring to the Holocaust had been banned by the school authorities. Given that the delegation had indicated that schools in Kuwait enjoyed a degree of autonomy, he asked whether that meant that no such instruction had been issued.

68. **Mr. Alharbi** (Kuwait) said he was convinced that no such instruction had been issued concerning any school subject. There were broad guidelines in place, and political events were examined in their historical context.

69. **Ms. Al-Ajmi** (Kuwait) said that her country was in no way isolated from the rest of the world, as Kuwaitis had access to the Internet and could look up information on the Second World War. All Kuwaitis were aware of the Holocaust.

70. **Mr. Avtonomov** said that he was satisfied with the progress made and the dialogue with the delegation, which had clarified the situation in Kuwait. He was pleased that the Kuwaiti Government was committed to tackling problems head on. The delegation's explanations and open attitude would greatly assist the work of the Committee, which would thus be able to produce balanced recommendations that would help to improve the situation in the country.

71. **Mr. Marafi** (Kuwait) said that the dialogue with the Committee had been fruitful and expressed the hope that it would lead to better understanding. His delegation was open to the Committee's suggestions and hoped to provide proof of its commitment to eliminating racial discrimination on the occasion of the examination of Kuwait's next periodic report.

The meeting rose at 1 p.m.