



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Sixth periodic report submitted by Kuwait under article 18  
of the Convention, due in 2021<sup>\*,\*\*</sup>**

[Date received: 5 November 2021]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report may be accessed from the web page of the Committee.



## I. Introduction

1. In accordance with article 18 (b) of the Convention on the Elimination of All Forms of Discrimination against Women, the State of Kuwait has the honour to submit its sixth periodic report.
2. Kuwait attaches the utmost importance to the protection and promotion of human rights and constantly seeks to pursue their advancement. In this endeavour, it draws on a significant cultural heritage that has made the evolution of human rights a bedrock that will not be shaken despite the significant obstacles and challenges thrown up by the regional situation and the changes taking place in the Middle East.
3. The State of Kuwait submitted a report to the Committee on the Elimination of Discrimination against Women on 2 August 2019 (CEDAW/C/KWT/CO/5/Add.1) that contains information on the steps taken by the State to implement the recommendations of paragraphs 13, 29 (b) and 47 (b) of the Committee's concluding observations on the fifth periodic report of Kuwait.

## II. Methodology for preparing the report

4. The present report was drawn up by the standing national committee for drafting reports and following up on human rights recommendations, which is chaired by the Ministry of Foreign Affairs and brings together all relevant Government agencies. The drafting process also involved consultations with the National Human Rights Diwan and civil society organizations. The national committee gathered data and information from all stakeholders, which it examined and incorporated into the text, with a view to responding to the Committee's concluding observations while also highlighting progress achieved.

### Paragraph 9

5. Reservation is a right recognized in article 51 of the Convention, which permits States to enter a reservation. Furthermore, it is a matter of sovereignty under general international law, inasmuch as the circumstances and laws of each country should be taken into account in order to facilitate the State's ratification of the Convention. As far as the State of Kuwait is concerned, that reservation continues to be in force.

### Paragraph 11

6. The Kuwait Institute for Judicial and Legal Studies provides qualification and training for judicial personnel, including judges and prosecutors. The Institute has offered human rights training courses in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) to familiarize judges and prosecutors with international human rights conventions and how to implement them at the national level.
7. These courses represent the early stages of an integrated project to make a module on international human rights law part of the curriculum of the Kuwait Institute for Judicial and Legal Studies. The courses also serve to train judges in international human rights law and international human rights protection mechanisms so that the Institute will be able to call on them to train students in the future. Seven members of the judiciary have graduated from the foundation course as human rights trainers.

**Paragraph 13**

8. The State of Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women by Royal Decree No. 24 (1994). Treaties ratified by the State of Kuwait become an integral part of national legislation and their provisions must be complied with under article 70 of the Constitution of Kuwait. The Kuwaiti judiciary is required to ensure that they are complied with and protected.

9. The general principle of combating racism is set forth in article 29 of the Constitution, which enshrines the principles and frameworks of equality, non-discrimination and upholding human dignity. It provides that people are equal in human dignity, that they are equal before the law in public rights and duties, and that there is no discrimination on the basis of gender, origin, language or religion.

10. Article 7 of the Constitution provides that justice, liberty and equality are the pillars of society, and mutual assistance and compassion are the firmest bonds between citizens.

11. In order to promote gender equality, legislation uses inclusive language when referring to persons covered by its provisions, without the slightest trace of discrimination on the basis of gender, colour, religion or even language.

**Paragraph 15****(a)**

12. The Constitution of the State of Kuwait prohibits discrimination, as we noted in our response above to paragraph 13.

**(b)**

13. The Personal Status Code (No. 51 of 1984) and amendments thereto is based on the Islamic sharia, which is the main source of legislation, in accordance with article 2 of the Constitution of the State of Kuwait, which provides that Islam shall be the religion of the State and the Islamic sharia shall be a main source of legislation.

14. As the explanatory note accompanying the Constitution points out, article 2 does not limit itself merely to stating that the religion of the State is Islam; it adds that the Islamic sharia is a main source of legislation. That formulation seeks to ensure a fundamentally Islamic grounding while not prohibiting provisions drawn from other sources in matters that have not been codified by Islamic jurisprudence, and not preventing new provisions being developed as new needs naturally arise over the course of time. For example, that formulation allows for the introduction of new criminal codes, notwithstanding the penalties that exist in the Islamic sharia. That would not be possible if it had said: "Islamic sharia shall be the main source of legislation". That would mean that it was not possible to draw on any other source on issues addressed by the Islamic sharia. In fact, that would have caused considerable difficulties for legislators as practical necessity gradually led them to develop legal provisions in areas such as company law, insurance, banking, loans, penalties, and so forth. While it is clear that Kuwaiti legislation must comply with the provisions of the sharia, it may introduce legal provisions based on other sources in matters on which Islamic jurisprudence does not provide rulings.

15. Since the Islamic sharia explicitly regulates the matters covered in the articles referred to – the definition of marriage, eligibility for marriage, age of marriage, upkeep, divorce, divorce initiated by the wife, legal separation and revocation of custody – it is not possible to remove those articles.

(c)

16. With regard to the allegation that penalties provided for in article 153 of the Criminal Code (No. 16 of 1960) create inequality because mitigating circumstances may be granted to a man but not to a woman, it should be underscored that the mitigating circumstances are not unconditional. The following three conditions must be met alongside the conditions for premeditated murder:

- *Condition 1: Capacity of the perpetrator*

17. The act of murder must be committed by the husband of the adulterous woman. However, Kuwaiti law extends this mitigating factor to include fathers, brothers and sons, as well as husbands, since the act of the adulterous woman brings shame and dishonour to them too.

- *Condition 2: The adulterous woman must be caught by surprise in the act*

18. This means that the husband, father, brother or son is surprised by the act of adultery. In other words, the actual scene that he witnesses (the act of adultery) must conflict with his previously held belief with regard to the woman concerned (his wife, mother, sister or daughter). The anger and emotion evoked by such a scene are considered mitigating factors in such cases. However, a woman caught in the act of adultery must be seen by her husband, father, brother or son in circumstances that leave no room for reasonable doubt that she was committing or was about to commit adultery. It is not sufficient for another person, no matter how reliable their testimony, to have witnessed the act and to have informed the woman's male relative. Judges must use their discretion in order to decide whether an adulteress was caught in the act by a male relative.

- *Condition 3: The murder must be committed on the spot*

19. Condition No. 3: The Code provides that the murder must be perpetrated immediately, that is to say at the same time as the woman is caught in the act of adultery. It is this simultaneity which provides the grounds for mitigation. The act of homicide at that moment is a reaction to the rage that overcame the husband, father, brother or son in the heat of the moment, and it is they alone who may take advantage of this mitigating circumstance. Any accomplice (who is not one of the aforementioned next of kin) would be liable for premeditated murder.

20. Based on the foregoing, we see that Kuwaiti law does not exempt the perpetrator of this crime from punishment. It considers witnessing the act of adultery, owing to the serious psychological effects on the perpetrator, to be a mitigating circumstance. It limits that mitigation with a set of conditions that include the act of adultery being witnessed and there being no interval between that moment and the commission of the crime. With these provisions, the law does not require the unconditional application of mitigation. On the contrary, it sets several conditions and leaves application of mitigating circumstances up to the court's discretion based on the evidence before it in the case file.

21. With regard to the demand for abolition of article 182 of the Criminal Code (No. 16 of 1960), we note that this article does not compel a woman to marry. In such cases, the law requires the consent of the guardian for marriage. Moreover, under the Personal Status Code (No. 51 of 1984), the consent of the woman is required in all cases for marriage. Articles 28 and 29 require the consent of the guardian and the ward for early marriage.

22. With regard to the marriage of the kidnapper and victim, marriage does not necessarily preclude criminal punishment. For a penalty not to be imposed in such a

case, the law requires the guardian of the bride must request that the perpetrator not be punished. That means that if the marriage goes through but the guardian of the bride does not request the penalty not be imposed on the kidnapper, the latter is punished in accordance with the Kuwaiti Criminal Code (No. 16 of 1960), articles 178–183.

23. With regard to abolition of article 29 of Act No. 16 (1960), we note that national legislation links the right to physically discipline with limits on discipline. It may only be done for the purposes of educating and may not exceed those limits. In addition, under the Islamic sharia, there are limits to discipline. It may not cause pain and must not leave any noticeable effects. Anything that goes beyond that is subject to provisions of Act No. 16 (1960).

24. In order to establish a protection framework for all family members and preserve family stability, the Domestic Violence Act (No. 16 of 2020) was enacted. It defines family members and domestic violence in article 1. Article 1 (2) defines domestic violence as any form of physical, psychological, sexual or financial treatment – engaged in via commission, omission or threat – by one family member against one or more other members. That is in addition to legal liability for acts or crimes provided for in other national legislation.

25. Article 5 of that Act provides for the establishment of shelters for victims of domestic violence. Article 8 provides that anyone subjected to violence by a family member may submit a report to either the relevant department or the competent investigative body. Under article 10, the submitter of the report enjoys legal protection, confidentiality and anonymity unless judicial proceedings require otherwise. Under article 6, all communications, correspondence and procedures relating to domestic violence cases being considered before any relevant body, including the courts, enjoy complete confidentiality.

26. Further protection for victims of domestic violence is provided by article 17, which provides that in the event of a serious threat to the life, health or safety of the victim of violence an emergency protection order may be granted. Article 20 provides that anyone who violates a protection order is to be punished by imprisonment or a fine. Article 22 provides that the Office of the Public Prosecutor has the competence to investigate, handle and prosecute all crimes provided for under the Act. It may initiate criminal proceedings for domestic violence crimes in accordance with article 9 of the Act on the basis of a communication from any person or entity. However, the victim may suspend the proceedings of the case at any point before a judgment is handed down.

**(d)**

27. In most of the world's States, it is recognized that nationality is a legal relationship between the individual and the State that is quintessentially a sovereign State matter. The State has absolute powers to determine who enjoys nationality and to impose any restrictions it sees fit on its citizens, because that affects demographics and political and economic affairs; it has final discretion in making that assessment. It is recognized that that when the State enacts legislation regulating nationality, it is setting forth conditions and procedures, whether for proving or acquiring it, without prejudice to its sovereignty, that emanate from it and must be respected and complied with by all parties.

28. Kuwaiti nationality is based essentially on a blood bond. It is granted upon birth to a Kuwaiti father. It is universally established that nationality is a legal relationship between the individual and the State. It is quintessentially a sovereign State matter over which the State has absolute power. That was confirmed by a 1923 advisory

opinion of the Permanent International Court of Justice that affirmed the right of each State to retain the freedom to enact citizenship laws.

29. Article 2 of Royal Decree No. 15 (1959) provides that any person born in Kuwait or abroad to a Kuwaiti father is a Kuwaiti. However, Kuwaiti legislation grants Kuwaiti women the right to pass citizenship on to their children in certain cases. Article 3 of the Nationality Act provides that any person born in Kuwait or abroad to a Kuwaiti mother whose paternity is unknown or not legally proven is Kuwaiti, as is anyone born in Kuwait both of whose parents are unknown. Foundlings are considered to have been born in Kuwait unless proven otherwise.

30. Article 5 (2) of that same Act provides that – exceptional to the provisions of the previous article – Kuwaiti citizenship may be granted by decree based on a proposal from the Minister of the Interior. Kuwaiti legislation therefore allows Kuwaiti women to pass on citizenship to their children under certain conditions.

31. The aim of article 23 is to increase protection for women working in the civil sector. In the light of social changes as well as technical development in the professions, amendments have been made to this prohibition. The same thing happened with an amendment introduced to the rules and procedures for granting permission to work, with the removal of the petrochemical industry from the list of industries prohibited to women. That industry is open for women to work in when international standards and requirements are verified.

**(e)**

32. As should be clear from the response to the Paragraph 13, the Constitution of the State of Kuwait prohibits discrimination for any reason, as does national legislation.

**(f)**

33. In order to promote gender equality, legislation uses inclusive language when referring to persons covered by its provisions, without the slightest trace of discrimination on the basis of gender, colour, religion or even language. Kuwaiti laws comply with those principles. Gender equality, women's empowerment and the elimination of all forms of discrimination against them are among the pillars of development policies in Kuwait.

**Paragraph 17**

34. The State of Kuwait adheres to the precepts of the rule of law at the national and international levels because that principle is a fundamental pillar of the preservation of human rights. Kuwaiti legislation is careful to ensure that free access to justice is available to all, citizens and residents alike.

35. The right and freedom to litigate are among the legal and social guarantees enshrined in the Constitution without discrimination between men and women. Article 166 provides that people are guaranteed the right to recourse to litigation, and that the law shall determine the procedures and conditions for the exercise of that right. The judiciary in Kuwait is fully impartial, neutral and independent. Article 163 of the Constitution provides that no one may exercise any authority over judges in rendering their judgments, that under no circumstances may anyone interfere with the course of justice, that the law shall guarantee the independence of the judiciary and that the law shall provide guarantees and special provisions for judges, including that are not subject to removal.

36. Article 45 of the Constitution provides that any individual may petition the public authorities in writing under their signature, and that only duly constituted organizations and legal persons may address the authorities collectively.

37. In keeping with the belief in the right of all persons to litigate, and in particular their right to appeal any law, decree or regulation before the Constitutional Court if it is believed to violate the provisions of the Constitution, Act No. 109 (2014) amending certain provisions of Act No. 14 (1973) establishing the Constitutional Court grants any natural or legal person the right to appeal directly to the Constitutional Court in an original proceeding.

38. Litigation before courts of all levels in Kuwait is regulated by Act No. 38 (1980) promulgating the Code of Civil and Commercial Procedure and Act No. 17 (1960) promulgating the Code of Criminal Procedure. The provisions of both of those Codes are equally applicable to all parties, with no distinction between men and women.

### **Paragraph 19**

#### **(a)**

39. As part of a restructuring of higher committees and bodies, the Women's Affairs Committee was abolished. We note that the Supreme Council for Family Affairs has a mandate to follow up on issues relating to women, the family and the elderly pursuant to Decree No. 401 (2006) establishing the Supreme Council for Family Affairs and specifying its competences.

#### **(b)**

40. Women play a major role in the work of the Supreme Council for Family Affairs, on both the Board of Directors that formulates policies on women, children and the elderly and within the executive apparatus. Five out of the six qualified and competent members of the Board of Directors are women.

#### **(c)**

41. Kuwait devotes attention to the development role of civil society organizations. All development partners in Government, the private sector and civil society organizations were included in drafting the second medium-term development plan for the 2015/2016–2019/2020 period. That plan's development goals and policies included action for the welfare and empowerment of women. The third development plan for the years 2020/2021–2024/2025 does the same, with a programme on strengthening the capacities of citizens, institutions and with a policy that supports the integration and social, economic and political participation of young people, women, persons with disabilities and the elderly.

#### **(d)**

42. In 2020, 50 per cent of the Kuwaiti population was female. Kuwaiti women are making noticeable qualitative progress in rates of participation in economic activity and the labour market. Data show that Kuwaiti women's participation in the Kuwaiti labour market increased from 55 per cent in 2015 to 58 per cent in 2020. That increase is attributable to the increased enrolment of Kuwaiti women in education and the entry of a new generation of educated women into the labour market. The impact is being reflected in the economic situations of families (see Annex 1 containing a table on Kuwaiti women's participation in the Kuwaiti labour market).

43. According to the Global Gender Gap Report of the World Economic Forum, Kuwait currently ranks among the top five among the Arab countries in gender

equality. It is in the top 10 in the Gender Inequality Index of the United Nations Development Programme (UNDP).

### **Paragraph 21**

44. Act No. 67 (2015) established the Human Rights Diwan. It is an independent official national human rights body, but not an administrative or governmental body under the prevailing legal concept. It is a standing national body concerned with human rights and freedoms. Under article 9, it forms permanent committees. It has approved a family committee that deals with women's issues.

45. Regarding the appointment of an equal number of qualified women and men to the Diwan, it should be noted that public posts are filled on the basis of qualification, without discrimination or special gender-based recruitment requirements.

46. We note that the National Human Rights Diwan enjoys independence in drafting the reports it submits to international human rights mechanisms and in taking part in regional and international meetings.

### **Paragraph 23**

47. The State of Kuwait has made every effort to promote employment equality in both government and the private sector. Employment criteria are based on competence rather than the gender of the applicant. Today, Kuwaiti women occupy numerous posts, including civilian, military and law enforcement.

48. Elections for the National Assembly or Municipal Council, as well as in athletic associations and clubs, are by direct election. The Elections Act (No. 35 of 1962) was amended by Act No. 17 (2005), which gave women full political rights equal to those of men. Article 1 provides that every Kuwaiti aged 21 years of age has the right to vote and stand for election. Furthermore, Kuwait withdrew its reservation to article 7 (a) of the Convention.

49. Kuwaiti women enjoy the same right of access as men to all posts without legal obstacles. They contribute actively to decision-making at the level of minister in the Council of Ministers, deputy minister, public agency director, ambassador and Municipal Council member. That reflects the State's belief in the role of women in public service. We also see women today occupying positions at numerous companies in the private sector.

50. Since 2014, the judiciary has also seen progress. There are currently 55 Kuwaiti women prosecutors. As of 1 September 2020, there were 15 Kuwaiti women judges through 15 May 2021. In August 2021, three women were appointed to the post of Deputy Director in the Office of the of the Public Prosecutor. That reflects a commitment to empowering women to hold leadership positions within the judicial system.

51. Other appointments also demonstrate the success of Kuwaiti women in society and a faith in their role and ability. Some 11 women were recently appointed to the diplomatic service, and women diplomats now number 57. In September 2021 a decision was issued to appoint four women to the Board of Directors of the Saud Nasser Al-Saud Al-Sabah Diplomatic Institute (out of eight members). In that same month, a decision was issued to appoint three women to the Board of Directors of the Kuwait Fund for Arab Economic Development (out of 8 members). That demonstrates the State's confidence in the role of Kuwaiti women in designing technical policies and plans.

52. Kuwaiti women hold 18 per cent of leadership positions in the State despite accounting for a remarkable 77 per cent of university students. In the labour market,



their representation is 63 per cent in the government sector and 50 per cent in the private sector. In 2019, Boursa Kuwait (the Kuwait Stock Exchange company) launched its Ring the Bell for Women's Empowerment initiative. That initiative aims to promote gradual empowerment of women on company boards by refining the skills of women staff, improving their qualifications and increasing training courses for them. The overall goal is to integrate women and increase their involvement in the national economy.

### **Paragraph 25**

#### **(a)**

53. Development policies in Kuwait aim to overcome obstacles to achieving gender equality and eliminating the gender gap in all economic, social, educational and political spheres, as well as to address gender stereotypes. There is a programme of cooperation between the secretariat of the Supreme Planning and Development Council and UNDP to implement a project supporting the State of Kuwait in achieving Goal 5 of the Sustainable Development Goals on gender equality by enabling 10 Government agencies to produce gender-sensitive budgets. The second phase of the project will be implementing those gender-responsive budgets and taking practical steps for gender focal point monitoring at the level of the State's overall budget.

#### **(b)**

54. In keeping with its belief in the importance of the role of civil society, the Supreme Council for Family Affairs added three members with experience in civil society institutions, so as to take advantage of that experience to promote community partnerships in the area of women and the family. Protocols have been drafted for cooperation between the Supreme Council for Family Affairs and several civil society and charitable institutions, with a view to expanding relationships between government and civil society to promote role of women and empower them.

#### **(c)**

55. The articles 24 and 26 in question are part of the Personal Status Code, which derives its provisions from the Islamic sharia. In the event of any conflict, the State of Kuwait will apply its national legislation in this matter, pursuant to article 2 of the Kuwaiti Constitution, which states that the religion of the State is Islam and the Islamic sharia is a main source of legislation.

56. With regard to abolishing child marriage, the Personal Status Code makes mechanisms available to the wife to enable her to verify the man's suitability and age appropriateness. Under article 34 of the Code, the validity of a marriage is conditional on the man's compatibility with the woman at the time of conclusion of the marriage contract, and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36 of the Code, age commensurability between the spouses is regarded as an exclusive right of the wife. In addition, marriage candidates are required to undergo medical tests to ensure that neither of them has any physical or psychological condition that would constitute an impediment to the union. This takes place in accordance with the provisions of Act No. 31 (2008) on premarital medical examinations. It is also a condition of the Act that a woman should consent to the marriage contract. This is set forth in articles 29 and 30 of the Personal Status Code (No. 51 of 1984).

**Paragraph 27****(a)**

57. National legislation guarantees the protection of women and criminalizes all manifestations of violence against them. The Kuwaiti Criminal Code (No. 16 of 1960) and amendments thereto contain articles criminalizing violence of any form or time, including the following:

- Article 160 of the Kuwaiti Criminal Code provides that anyone who strikes, injures, causes bodily harm to or violates the physical integrity of another person in a significant manner shall be punished by a term of up to two years' imprisonment and/or a fine of up to 150 dinars.
- Articles 178–185 criminalize and penalize abduction, unlawful detention and trafficking in persons.
- Article 186, on sexual violence, provides that anyone who has sexual intercourse with a female without her consent, whether through coercion, threat or deceit, shall be sentenced to death or life imprisonment.
- Criminal legislation has taken care to extend the scope of legal protection to cover women who have mental impairments, who are under the age of 15 or who lack volition. Article 187 of the Criminal Code provides that anyone who has sexual intercourse with a female without using coercion, threat or deceit but knowing her to have a mental impairment, to be under the age of 15 or to lack volition for any other reason, or knowing that she does not comprehend the nature of the act or that she believes it to be legitimate, shall be liable to life imprisonment. Similar provisions are set forth in article 191.
- With regard to domestic violence, which some married women may experience, article 126 of the Personal Status Code (No. 51 of 1984) gives both spouses the right and freedom to seek a court ruling of separation on grounds of harm. It provides that either spouse, before or after consummation of the marriage, can demand a separation by pleading verbal or physical harm perpetrated by the other.

58. With regard to compensation and reparation, article 30 of Act No. 67 (1980) promulgating the Civil Code provides for the kinds of damages that necessitate compensation. According to that article, exercise of the right is unlawful if the person doing so deviates from the purpose of the right or distorts its social function, and in particular if the resulting benefit is unlawful; if the sole purpose is to cause damage to third parties; if the resulting benefit is disproportionate to the harm caused; or if it is likely to cause grievous harm to third parties.

59. We draw attention to the enactment of Act No. 16 (2020) on protection against domestic violence, which provides safeguards against violence in all its forms and emphasizes the provision of assistance and care to victims.

**(b)**

60. The marriage of the kidnapper and victim does not necessarily preclude criminal punishment. For a penalty not to be imposed in such a case, the law requires that the guardian of the bride must request that the perpetrator not be punished. That means that if the marriage goes through, but the guardian of the bride does not request the penalty not be imposed on the kidnapper, the latter is punished in accordance with the Kuwaiti Criminal Code (No. 16 of 1960), articles 178–183.

61. Article 152 of the Criminal Code (No. 16 of 1960) does not compel women to marry. In such cases, the law requires the consent of the guardian for marriage.

Moreover, under the Personal Status Code (No. 51 of 1984), the consent of the woman is required in all cases for marriage. Articles 28 and 29 require the consent of the guardian and the ward for early marriage.

**(c)**

62. The right of recourse to the courts is a fundamental right guaranteed by the Kuwaiti Constitution, which confers it on all persons without exception or discrimination among citizens and residents. Article 166 of the Constitution provides that the right to litigate is guaranteed to all people, and that the law shall set out the procedure and manner required for the exercise of that right.

63. Article 45 of the Constitution grants every individual the right to address the public authorities in a written document under his or her signature. Accordingly, every person has a constitutional right to address the public authorities and to file complaints and reports with them. Article 14 of the Code of Criminal Procedure (No. 17 of 1960) provides that any person who has witnessed a crime or is aware that a crime has been committed must report it to the nearest police or investigative agency. That means that, under domestic legislation, reporting crimes is not merely a right but a duty that each person has, irrespective of whether or not they were affected or harmed by the offence in question.

**(d)**

64. A policy and regulation manual for shelters and counselling centres has been drafted, as well as an action mechanism for family and child protection centres. A rapid intervention team has been formed to monitor cases and victims of domestic violence. The goal is to respond quickly to such cases and provide immediate assistance, as well as to ensure psychological, emotional, physical and family stability.

65. Further protection for victims of domestic violence is provided by Act No. 16 (2020), article 17, which provides that in the event of a serious threat to the life, health or safety of the victim of violence an emergency protection order may be applied for. The application for protection is submitted to the competent court and heard before an ad hoc judge. All beneficiaries of the protection order may request its cancellation or amendment should new circumstances arise. The applicant for protection is exempted from judicial fees and judicial expenses. Article 20 provides for penalties for anyone violating a protection order.

66. The Supreme Council for Family Affairs continues receives reports on an ongoing basis and protects women and children in cooperation with the Ministry of the Interior, the Ministry of Health and the Office of Social Development of the Ministry of Social Affairs. Full coordination is carried out in the event that any of those agencies receives a report of a violent incident or request for protection. All measures are taken via the most expeditious means to ensure required protection. There is also a hotline in operation around the clock.

**(e)**

67. The Domestic Violence Act (No. 16 of 2020), article 5, provides that shelters for victims of domestic violence should be established to complement the child protection centres provided for in the Rights of the Child Act (No. 21 of 2015), article 77. Such shelters are required to be located in every governorate in Kuwait. Two centres, the Fanar Counselling Centre and the Fanar Shelter have been designated.

**(f)**

68. The Supreme Council for Family Affairs is designing and preparing to implement a training programme for employees of the Ministry of the Interior, the Ministry of Justice and the Ministry of Social Affairs aimed at accomplishing the following:

- Raising awareness of the Domestic Violence Act;
- Training in how to listen to and interview victims to get to the truth of an incident;
- Raising awareness of how to take into account the psychological state of the victim and accepting the complaint no matter what its content.

69. A training plan has been developed in cooperation with two parties:

1. The Institute for Judicial and Legal Studies, on organizing panel discussions on the Domestic Violence Act (No. 16 of 2020) the Rights of the Child Act (No. 21 of 2015);
2. Kuwait University on training personnel to receive domestic violence reports (see Annex 2 containing a table showing the number of domestic violence cases reported).

**(g)**

70. The Ministry of Information makes sure to publicize the role of Kuwaiti women in society and their various achievements at the political, educational, social, health and athletic levels through radio and television coverage. It also sponsors women's meetings and conferences.

71. Women have played a prominent role in addressing the coronavirus disease (COVID-19) pandemic and maintaining social stability, particularly through their work in the health sector. The Ministry of Information brought in front-line medical staff to highlight the challenges faced during the pandemic and the vaccination drive. It made sure that news reports were produced about the outstanding humanitarian role played by women.

72. There are numerous television and radio programmes devoted to discussing Kuwaiti women's issues. Those programmes make sure to present women in a balanced and accurate manner that demonstrates their role and active contribution to society.

**(h)**

73. See Annex 3 containing a table showing complaints of gender-based violence against women during the 2015–2019 period.

**Paragraph 29****(a)**

74. Kuwait ratified the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children by Act No. 5 (2006). Act No. 91 (2013) on combating trafficking in persons and the smuggling of migrants was enacted to address the crime of trafficking in persons. It charges the Office of the Public Prosecutor in particular to investigate, handle and prosecute the crimes provided for and related offences, and sets stiff penalties. The Office of the Public Prosecutor receives reports of cases of trafficking in persons from the relevant national authorities, from the victims themselves, or from

any other party. There are no impediments to the Office of the Prosecutor communicating with those agencies.

75. Under article 2 of the Act, the penalty for trafficking in persons – which also covers the offences of forced labour, enforced servitude, slavery or practices similar to slavery – is a term of imprisonment of 15 years. The penalty is life imprisonment if the offence is associated with one of the aggravating circumstances specified in the article, and even the death penalty if the offence leads to the victim's death. Article 12 sets forth measures to assist and protect victims and authorizes the Office of the Public Prosecutor or the competent court to take the following measures should they deem them appropriate:

- Victims of human trafficking or migrant smuggling are referred to the medical authorities or to social care homes where they can receive the requisite treatment and care;
- Victims are placed in a State-designated shelter until such time as they can be repatriated to their country of origin or returned to the country in which they resided when the offence was committed. The Office of the Public Prosecutor makes sure to pursue prompt and effective legal proceedings against traffickers. Article 8 of Act No. 63 (2005) concerning cybercrimes provides explicitly that anyone who creates a website or publishes information using the Internet or any other technological means specified in the present Act for the purpose of perpetrating or facilitating trafficking in persons shall be liable to a term of imprisonment of up to seven years and/or payment of a fine of between 10,000 and 30,000 Kuwaiti dinars. The Ministry of the Interior has set up a hotline to receive reports and complaints of trafficking in persons (see Annex 4 containing table showing trafficking cases during the 2016–2020 period).

76. In November 2019, as part of human rights training provided to judges, a special seminar was held at the Kuwait Institute of Judicial and Legal Studies for judges and prosecutors at which the provisions of Act No. 91 (2013) on combating trafficking in persons and the smuggling of migrants were discussed.

77. In her report following her visit to Kuwait in August 2016, the Special Rapporteur on trafficking in persons, especially women and children, commended the role played by the Institute in designing courses for judges and prosecutors in cooperation with international organizations.

**(b)**

78. Kuwait has adopted a national strategy to combat human trafficking and the smuggling of migrants. It revolves around three major components:

- Prevention;
- Protection;
- National, regional and international partnerships and cooperation.

79. In order to implement this strategy, a standing national committee to prevent human trafficking and migrant smuggling has been established. It is chaired by the Minister of Justice and includes a number of relevant agencies.

80. The second component of the strategy, protection, contains strategic objectives to assist victims of trafficking in persons. They include protecting and supporting victims of trafficking in persons and the smuggling of migrants by facilitating the reporting of cases and providing protection to those who report. In addition, a pool of qualified staff is being trained to work in shelters to provide guidance, counselling and assistance to victims of trafficking in persons and the smuggling of migrants.

(c)

81. Article 11 of Act No. 17 (1959) concerning the residence of foreigners provides that a foreigner may be authorized to reside temporarily in Kuwait for no more than three months, after which they must leave the country unless that residence is renewed by the Minister of Interior for a period not to exceed one year. The Minister of Interior sets the conditions and manner in which temporary residence is granted. Article 14 of Ministerial Decision 957 (2019) provides that a foreigner may be granted a temporary residency permit for a period not to exceed three months, after which they must leave the country unless that residence permit is renewed by the Minister of Interior for a period not to exceed one year, in the following cases:

- A person who entered the country under one of the entry visas listed in article 4 of that decision;
- A person whose regular residency in the country has terminated;
- Urgent and pressing cases as assessed by the Department of Residence Affairs.

82. A foreigner who wishes to renew temporary residence must apply at least a week before its expiration. We note that there is nothing to prevent the granting of temporary residence on humanitarian grounds to victims of trafficking in persons in accordance with procedures in force.

### **Paragraph 31**

83. Women play a major part in political decisions through their presence in the National Assembly and their assumption of such posts as minister, deputy minister, chief of public agency and judge. Women also participate in missions and other diplomatic work, and have represented the State of Kuwait in international and regional forums.

### **Paragraph 33**

84. Issues relating to the Nationality Act have been addressed under the response to paragraph 15 (d).

85. Public housing is provided to Kuwaiti women married to non-Kuwaiti men through the Public Authority for Housing Welfare – which is in charge of Government-provided rental housing – for women in the following categories:

- Kuwaiti women married to non-Kuwaiti men – whether they have children or not;
- Kuwaiti women who are divorced from non-Kuwaiti men and have children;
- Kuwaiti women who are widowed from non-Kuwaiti men and have children.

86. In accordance with the regulations of the Public Authority for Housing Welfare issued by Ministerial Decision No. 31 (2016), chapter 16, concerning Government-provided rental housing, article 94, the Authority leases housing in accordance with the rules and conditions contained in that chapter to the following: families of Kuwaiti women married to, divorced from or widowed from non-Kuwaiti men. We note that other types of welfare housing are provided to Kuwaiti women married to non-Kuwaiti men through the Kuwait Credit Bank in accordance with its legislation. Between November 2016 and October 2020, 93 Kuwaiti women obtained Government housing from the Public Authority for Housing Welfare.

87. With regard to accession to the 1954 and 1961 Conventions, we note that a number of international human rights organizations have constantly confused two different things: stateless persons and unlawful residents. There is a difference.

According to the 1954 Convention relating to the Status of Stateless Persons, a stateless person is a person who is not considered a national by any State under the operation of its law. That is not the case for persons residing illegally. They have entered Kuwait illegally and concealed documents indicating their original nationality for the purpose of settling in Kuwait in order to benefit from services and acquire citizenship. Therefore, the definition of statelessness under the Convention does not apply to them.

88. Here, we stress that non-accession by the State of Kuwait to the two conventions in question does not affect the cases of such people. As we noted above, they are not covered by the conventions' provisions. The legal statuses of the two groups differ. The presence of unlawful residents is contrary to the Foreign Nationals Residence Act (No. 17 of 1959), and they are required to correct their statuses. By contrast, stateless persons who are not affiliated with a particular nationality are not required to do so. However, checks of the records of various State agencies have revealed the original nationalities of many of them. Nearly 14,042 such persons have had their statuses amended between 2011 and mid-2019.

### **Paragraph 35**

#### **(a)**

89. All girls in Kuwait enjoy a quality education characterized by fairness and equality without distinction or discrimination in school. Under article (26) of the Personal Status Act, girl may marry after the age of 15 (Gregorian) years. However, as a result of advances in society's cultural, intellectual, social and civil awareness, marriage among girl students in public education is virtually non-existent. So the regulations referred to are in effect obsolete; they were issued in the past to meet a need that no longer exists. Moreover, they were previously deemed to constitute positive discrimination on behalf of women, since their objective was to take into account their psychological and social situation after marriage

90. Girl dropouts are also virtually non-existent, owing to social awareness and a change in community culture in support of girls obtaining an uninterrupted quality education.

#### **(b)**

91. Justice and equality are basic pillars of the Kuwaiti Constitution. There is no discrimination between men and women. In keeping with its belief in the role of women in society, the State of Kuwait is trying to eliminate any stereotypical concepts that promote discrimination against women. There is no gender discrimination in hiring for positions in schools, whether educational or administrative. Advertising for such positions is general, and based solely on the need of the educational facility.

92. Educational and administrative positions are filled in accordance with seniority and competence. Aptitude tests must be passed for such posts without regard to the gender of the candidate. Overall, women occupy many leadership positions at the Ministry of Education, including serving as superintendents and assistant superintendents of school districts (see annex 5 showing statistics on numbers of superintendents and assistant superintendents of both sexes).

#### **(c)**

93. Under the Kuwaiti curriculum, male students do receive instruction in family life. The curriculum includes human sciences from the primary grades through the 12th grade, covering bodily and hormonal changes occurring in puberty for girls and boys. It also focuses on health and psychological awareness in the humanities, social

sciences and Islamic education curricula. It uses educational stories and models from the life of the Prophet to illustrate family values to guide the soul and instruct learners – both girls and boys – on family life and the roles of men and women without using stereotypes. The Ministry of Education is working on a Family and Consumer Studies module, which would be an elective course at the secondary level.

**(d)**

94. Equality in education and training is guaranteed. There are no restrictions on the education and training of women or discrimination specific to men. However, in some training academies, training programmes are designed in accordance with the human resources needs of the labour market in coordination with various parties in the public and private sectors. Others accept both sexes. The table in Annex 6 shows statistics on students enrolled in the vocational colleges of the Public Authority for Applied Education and Training during the 2017–2021 period. The table in Annex 7 shows statistics for graduates of the vocational colleges of the Public Authority for Applied Education and Training during the 2017–2021 period.

95. It should be noted that admission to higher education or vocational training is on the basis of rules, guidelines and standards that are applied universally regardless of sex. Those rules all essentially go back to competence, which is assessed by a number of measures, none of which have to do with the sex of the student. The student is free to enrol in any field they wish provided that established admission requirements are met. In order to realize the goal of equal opportunity, a policy has been set forth of admitting students to applied education based on the needs of the labour market. There are no laws prohibiting female registration in response where the demands of the State’s labour market call for it.

**(e)**

96. Annex 8 shows the increase in the number of girls in public schools during the 2015–2020 period.

**Paragraph 37**

**(a)**

97. The State of Kuwait complies with the principles of this Convention, which is one of the basic International Labour Organization (ILO) conventions. That is evident from the provisions of the Labour Code (No. 6 of 2010), which are in line with the principle of equal pay. Article 26 provides that working women have the right to the same wage as men if they perform the same work. All international ILO conventions and resolutions are subject to ongoing review and study by the relevant specialists in order to keep up with the latest developments and see to it that they are reflected in local laws. Consideration will be given to ratifying any convention that will help develop legislation regulating the labour market, including the Equal Remuneration Convention (No. 100).

**(b)**

98. Act No. 6 (2010) concerning civil sector employment and decisions issued in implementation thereof ensure that both direct and indirect discrimination are prohibited. Its provisions are in line with the Discrimination (Employment and Occupation) Convention (No. 111) with respect to all aspects relating to employment, including discrimination on the basis of sex.



**(c)**

99. Gender equality and women's empowerment are considered development priorities. Under the Criminal Code (Act No. 16 of 1990) all people are equal in rights and duties. All persons have the right to hold public office, work and freedom of choice. The Constitution provides for full equality in rights and duties. Article 7 provides that justice, freedom and equality are pillars of society. Article 29 affirms equality between men and women. It provides that all people are equal in human dignity and are equal before the law in public rights and duties without discrimination on the basis of gender, origin, language or religion.

100. The attention paid by the State of Kuwait to women's issues, both internally and externally, has paid off in much positive progress being made over the decades. Perhaps most important has been the increased presence of Kuwaiti women in decision-making positions in the public and private sectors, their attainment of full political rights and their entry into the diplomatic corps, the judiciary and the police.

101. Kuwait was proud to become the first country in the Cooperation Council for the Arab States of the Gulf (GCC) to have a programme for the economic empowerment of women, launched at the ringing of the Kuwait stock market bell on International Women's Day in March 2018. The programme calls for equal opportunity and strengthening the role of the private sector in ensuring women's participation in economic development. With that initiative, the Government has declared its full commitment to supporting women in obtaining leadership roles in the economic sphere by encouraging companies to uphold the principles of female empowerment.

102. The Kuwait Distinguished Women's Award is awarded annually by His Highness the country's Amir. It is administered by the secretariat of the Supreme Council for Planning and Development and the Women's Research and Studies Center at Kuwait University in collaboration with UNDP and UN-Women. The prize is presented to the winners at a ceremony held on 8 March each year to coincide with International Women's Day. The award honours the role of women in the public and private sectors as well as in civil society, thereby highlighting women's achievements. Annex 9 contains a table showing statistics on women working in various positions at the Ministry of the Interior, including officers, non-commissioned officers, professionals, prison wardens and security and safety inspectors. Annex 10 contains a table showing statistics on women working in the General Department of Investigations, including prosecutors, chief investigators and investigators.

**(d)**

103. The State of Kuwait has enacted legislation (laws and regulations) to ensure legal remedies and complaints mechanisms to protect migrant workers from any kind of abuse or sexual harassment in forced labour. The competent department of the Public Workforce Authority receives such complaints from affected woman workers and takes investigative measures in accordance with the provisions of the law. A woman worker who is subjected to any kind of physical harm or sexual harassment has the right to file a complaint with the Office of the Public Prosecutor or the General Investigations Department (depending on jurisdiction) for legal action to be taken against the perpetrator and referral to the competent court. The General Workforce Authority has launched a labour relations and worker services system via its website. These services are of two types:

**A. General services**

1. A service for submitting complaints or registering for services with its Labour Relations Department;
2. A service for reporting absenteeism using the worker's civil identification number or passport number and nationality.

**B. Worker services**

1. Registration of telephone numbers with the labour departments and using SMS messages to report the dates of investigative hearings;
2. A service for filing and following up complaints via the website (requires a password);
3. A service for inquiries about current work permits;
4. A service for inquiries about employment contracts provided by companies.

104. These electronic services are provided by the General Workforce Authority so that any man or woman worker can communicate directly with the relevant government agency to ensure that they are provided with protection and legal assistance in accordance with legal frameworks.

**(e)**

105. Since it was assigned the authority to oversee the domestic employment sector in April 2019, the General Workforce Authority has been conducting a review of all laws and regulations governing that sector with a view to aligning them with international standards. We believe that the recommendation on ratification of Convention No. 189/2011 is a subject that could be studied in the future.

**(f)**

106. We emphasize that the term *kafil* (sponsor) does not appear in the Kuwaiti Labour Code (No. 6 of 2010), which regulates relations between worker and employer. It gives the worker the freedom and space to move from one employer to another within certain guidelines. In the event that an employer should violate any of the terms of a worker's contract, the worker has the right to file a labour complaint with the Department of Labour Relations of the General Workforce Authority, which has the authority to grant the worker the right to move to another employer. The Government has taken genuine and serious steps towards achieving this goal through decisions enforcing the Labour Code. The ultimate terms of reference governing relations between employer and worker go back to the provisions of the contract signed between the two parties, which is subject to the legal framework defined by legislation.

**(g)**

107. We note that there is legislation criminalizing sexual harassment in the workplace. Article 27 of Decree No. 15 (1979) provides that any employee who neglects duties or violates prohibitions provided for by laws or regulations is subject to disciplinary penalties, without prejudice to criminal or civil liability where applicable. An employee who engages in conduct that fails to respect the dignity of the workplace is liable to be held accountable. Certainly, sexual harassment in the workplace would be considered a violation of workplace obligations and an employee would be held accountable.

108. As a matter of general criminal legislation, the Criminal Code provides for criminal penalties for an act of harassment occurring anywhere, including in the workplace. The Labour Code (No. 6 of 2010), which governs employment in the civil sector, also addresses this issue. Its article 48 (f) grants a worker the right to terminate an employment contract without notice while still being entitled the end-of-service bonus in several cases, including if the employer or his representative commit an offence against morals towards the worker. We draw attention to Ministerial Decision No. 177 (2021) on discrimination in civil sector hiring and sexual harassment in the workplace.

109. Article 1 of Ministerial Decision No. 898 (1998) on implementing regulations for the decree concerning disciplinary penalties for members of the police force provides that offences by members of the police force punishable by disciplinary penalties include any violation of the provisions of Act No. 23 (1968) or any other laws, regulations, decisions and military discipline guidelines, and any conduct that would affect or harm the reputation of the police, disrupt general discipline or constitute dereliction of duty, including the following:

- Infringement by word or deed on colleagues or superiors;
- Having an appearance or behaving in a manner contrary to the requirements of military duty.

110. Members of the police are punished for any offence that might damage the reputation of the police or undermine general discipline. Sexual harassment in the workplace would certainly be considered a violation that damages the reputation of the police and constitutes a dereliction of duty that members of the police force might be disciplined for, in addition to being subject to criminal proceedings.

### **Paragraph 39**

#### **(a)**

111. The Mental Health Act (No. 14 of 2019) has been enacted, and implementing regulations were subsequently issued under Ministerial Decision No. 304 (2019).

#### **(b)**

112. Act No. 70 (2020), articles 26-33, guarantees the patient's right to receive health care without discrimination between men and women.

#### **(c)**

113. Act No. 70 (2020), article 17, regulates abortions in the follow cases:

- Where the abortion is necessary to save the mother's life;
- Where continuation of the pregnancy would seriously damage the mother's physical health;
- Where it is scientifically determined that the fetus would be born with a serious physical deformity or an irremediable mental deficiency, provided that both parents provide explicit written prior consent to the abortion.

114. Abortion is carried out in accordance with the provisions of this article in a government or public hospital, pursuant to written consent and unanimous sign-off by a medical committee.

**Paragraph 41**

115. The State of Kuwait makes sure to provide assistance to members of Kuwaiti society who suffer from difficult circumstances that force them below a minimum standard of living. The Constitution, in article 11 of chapter 2 concerning the basic components of Kuwaiti society, provides that the State shall ensure aid for citizens in old age, sickness or inability to work, and also provide them with social security, social assistance and medical care. A monthly income is disbursed to help meet their basic needs in order to achieve material and family stability – which reflects positively on individuals in society – through implementation of the Social Assistance Act (No. 12 of 2011) (see Annex 11 containing a table showing amounts of social assistance provided during the 2019–2021 period).

116. The Social Security Act (No. 61 of 1976) guarantees the same entitlements to all insured persons without discrimination. That makes logical sense since contributions deducted from their salaries makes up one share the system's funding. Other shares are made up by annual contributions from employers and the Treasury.

**Social security entitlements****1. The Social Security Act (No. 61 of 1976) covers all Kuwaitis without exception – both men and women – as provided for by its article 2.****2. Retirement pensions****A. Entitlements**

117. The Social Security Act provides that a covered person under the age of 50 is entitled to a pension after 20 years of service. If they are over 50, they are entitled to a pension after 15 years of service. The pension only starts being paid out after the age of 55. The Act provides exemptions to these service and age requirements in cases where the termination of service was for reasons beyond the covered person's control that make it impossible to continue working. Such cases include death, full disability, poor health and exhaustion of sick leave (for employees in the government sector and companies fully owned by the State).

118. In certain cases, it may be decided to waive the age requirement. These include termination of service for life-threatening health reasons, provided that the length of service is over 10 years, and also retirement because work is arduous, harmful or hazardous. That also applies to work that results in health damage of a permanent nature, work that over time renders a person's health unfit to perform it, or work with a high accident rate. In such cases, the Act requires at least 20 years of service for eligibility for a pension.

**B. Calculation of pension**

119. Under article 19 of the Act, a pension must be at least 65 per cent of the salary. Most terminations of service due to death, full disability or incapacity resulting from health reasons result in the maximum pension limit of 95 per cent. That is a high percentage compared to many other States.

**3. Minimum retirement pensions**

120. The Act establishes a minimum floor. If a pension is still below that minimum after adding increases entitled to, it is raised. Women benefit from this minimum the same as men when eligibility requirements are met.

### **Temporary pensions**

121. The Act entitles the covered person – man or woman – to a temporary pension in the following two cases:

- In the case of termination of service owing to illness resulting in the exhaustion of sick leave, the pension is disbursed throughout the period of illness. If the permanent (retirement) pension kicks in during the period of illness, for any reason, the pension is converted into a permanent pension (article 18 of the Act).
- Where termination of service occurs due to a sentence of deprivation of liberty, if the length of service is 15 years or more, the pension is disbursed throughout the period of imprisonment, and for two years after the sentence is completed, provided that the covered person is not covered prior to by any other social insurance provisions (article 18 bis of the Act).

### **Retirement bonus**

122. Like men, women are entitled to receive a retirement bonus for a period of service that does not qualify them for a pension, or a period of service in excess of the period that entitles them to the maximum pension benefit (article 25 of the Act).

### **Entitlements specific to women under the Act**

1. When the period of service of a covered woman reaches 15 years, she currently only needs to have reached the age of 50 to be entitled to a retirement pension. It is thus clear that women have more favourable terms for retirement in terms of both length of service and age. Men must have a period of service of at least 20 years and be at least 55 years of age to be entitled to a retirement pension.
2. In the preceding case, the woman's pension is not subject to the same decrease as that of a man who resigns from service before the age of 55, which is between 2 and 5 per cent of the pension.
3. A widow is entitled to combine her salary from work with her widow's share of her deceased husband's pension. That share reverts to her again if she remarries after being widowed and is then divorced or widowed again without an entitlement to a share from her more recent husband.
4. A widow is entitled to combine her retirement pension with her widow's share of her husband's pension with no limit. That is an exception to the general rule for entitlement, which is that such a combination may not exceed 970 dinars.
5. A daughter, sister or daughter of a son is entitled to a marriage grant equivalent to six months of her pension share.
6. The share of a daughter, sister, daughter of a son, mother or widow does not end at a particular age. She continues to be entitled to the share as long as she is unmarried. That is not the case for male beneficiaries, for whom, as a matter of general principle, the entitlement ends at a certain age.

### **Paragraph 43**

123. In the Olympic context, athletics means "human athletics" – that is to say, for both men and women. The Olympic movement does not differentiate between men and women in sport. It is from this standpoint that the Kuwait Olympic Committee, represented by the Women's Sports Committee, has made every effort to promote

women's sport. It became particularly active starting in 2018. The Women's Committee has been surveying the situation of women athletes as follows:

**I.**

1. Survey of the numbers of female players in women's clubs and sports committees affiliated with the Kuwaiti Olympic Committee, all-inclusive sports clubs, specialized clubs and sports federations;
2. Survey of the number of games officially recorded by women's clubs such as the Fatat, Salwa and Uyun clubs;
3. Survey of the facilities for sports competitions for all games;
4. Survey of the numbers of trainers, supervisors, referees and administrators;
5. Review of the relevant regulations and decisions.

**II.**

124. With regard to the participation of women on the boards of sports federations and all-inclusive clubs, in the next phase the Women's Sports Committee will seek to have women included on the boards of sports federations and all-inclusive clubs in accordance with a system that specifies steps and procedures to ensure that women have a seat and work effectively within the administrations of federations under the supervision of the General Sports Authority and the Kuwaiti Olympic Committee. It will also seek to create women's committees for 12 sport federations as a step towards measures for women's membership in sports federations.

**III. Organizing local competitions and championships for girls**

125. As part of efforts to organize a girls' league, the Women's Sports Committee is currently working to consolidate women's club matches. It is also working to open the way for all-inclusive clubs that have women's teams or players to participate in local competitions for girls. The Chair of the Women's Committee of the Kuwaiti Football Federation has announced the launch of a Futsal League, and the Women's Sports Committee is trying to create a pool of women players of all age brackets as a first step in organizing the league and maintaining its continuity. The Women's Sports Committee's efforts to promote women's sports in Kuwait include the following:

1. It coordinates with educational institutions affiliated with the Ministry of Education, which is the main incubator of talent for all sports.
2. It seeks out other sources of talent to feed club teams.
3. It plans to make use of the expertise and experience of similar institutions in the Gulf States, Asia and Europe. It is preparing a plan that includes modalities, schedules, costs and procedures for getting in touch with those countries.

**IV.**

126. The Kuwaiti Women's Sports Committee will implement a strategy for the development of women's sport based on the following:

1. It will review and update the relevant sports rules and regulations to make them fair to Kuwaiti women athletes, in accordance with constitutional and international requirements (semi-professional and professional, health insurance, sports leave, awards).

2. It will update and develop the list of semi-professional players affiliated with women's clubs and women's teams.
3. It will include women's competitions in points for sports prizes.
4. It will update and develop the regulations of sports federations and specialized clubs to add a women's seat or women members to management.
5. It will develop financial incentives or allocate part of the budget for the all-inclusive clubs to support women's teams in those clubs.

#### **Paragraph 45**

##### **(a)**

127. Kuwait believes that the refugee question must be handled with justice and humanity; therefore, its approach to that issue is guided by applicable humanitarian standards. In that regard, the State has endorsed the principle of non-refoulement, i.e. no persons may be deported or returned to the country from which they came if it is proven that they might be at risk. Article 46 of the Constitution of Kuwait provides that the extradition of political refugees is prohibited.

128. There is no specific legal and institutional framework regulating the status of refugees in accordance with international standards. However, the State supports efforts by the Office of the United Nations High Commissioner for Refugees (UNHCR) to alleviate the human suffering caused by displacement through voluntary annual contributions, as well as by responding to appeals made during natural disasters and humanitarian crises. Kuwait has signed a cooperation agreement with UNHCR specifying the tasks to be undertaken by the UNHCR office in Kuwait. We note that all foreign residents in Kuwait are subject to the provisions of Act No. 17 (1959), which regulates their relationship with their host country in terms of the work they can engage in in the public and private sectors.

##### **(b)**

129. Obtaining civil status documentation of all kinds is an established right that the State recognizes for all persons present on its territory. No one is prevented from obtaining such documents, as they are regarded as one of the means by which the State protects the family. Birth and death certificates are issued in accordance with Act No. 36 (1969) regulating the registration of births and deaths. The Government has facilitated procedures for the issuance of official documents to persons unlawfully resident in the country. Under Council of Ministers Decree No. 409 (2011), the use of the term "non-Kuwaiti" was approved to be entered in the space for "nationality" in such documents. The facilitated procedures adopted by the Government in this connection have led to an increase in the number of documents obtained by unlawful residents.

130. In accordance with Ministerial Decision 409 (2011), the Central Agency has activated cards for unlawful residents that allow them to enjoy a number of benefits, many of which are the same as those enjoyed by Kuwaitis. (See Annex 12, which contains a table showing the number of legal documents issued to unlawful residents during 2020).

##### **(c)**

131. Act No. 10 (2020) concerning documentation regulates procedures for registering documents and certifying signatures. It also sets forth guidelines for official copies of documents. Article 5 of that Act provides that the Government registrar has the authority to certify documents where required by law or requested

by the parties concerned. Among the examples it gives is certification of the personal status documents of non-Muslim adherents of the divinely revealed religions, unless they wish to rely on their own certification authorities. The article explicitly provides for certification of non-Muslim personal status documents for members of the divinely revealed religions only.

132. Article 18 of the aforementioned Act concerning certification provides for the right to file a complaint where certification is denied. Such a complaint is to be filed with the ad hoc judge of a court of first instance.

**(d)**

133. The provisions of the Personal Status Code come from Islamic law, which is a main source of legislation in accordance with article 2 of the Constitution of the State of Kuwait. With regard to articles 18 and 49 of the Code concerning the marriage of a Muslim woman to a non-Muslim man (and vice versa), we note that article 12 of the Code provides that for a marriage to be valid, the woman must not be permanently or temporarily prohibited to the man. Article 18 makes clear that among the temporary prohibitions is the marriage of a Muslim woman to a non-Muslim man. Article 49 makes clear that annulment is the consequence of a marriage between a Muslim woman and a non-Muslim man. That is in accordance with explicit provisions in the Qur'an and Sunna, as cited by the explanatory note accompanying the Code.

134. With regard to a different religion being an obstacle to inheritance under articles 293 and 294, this comes from Islamic law, which has explicit regulations for inheritance. National legislation cannot deviate from these sharia provisions.

135. With regard to article 192 concerning a non-Muslim woman who has custody of a Muslim boy, the explanatory note accompanying Act No. 51 (1984) gives the rationale for that. A non-Muslim woman custodial parent has the right to keep her male son only as long as he is too young to comprehend religion, and only if there is no fear that he will become accustomed to a religion other than Islam. If he becomes capable of understanding religion, if he reaches the age of discrimination of 7 years, or if it is suspected that he is being raised in a religion other than Islam, he may no longer remain with that woman custodial parent.

With regard to articles 19 and 61 of Act No. 23 (1990) regulating the judiciary, which require anyone assuming the post of judge or public prosecutor to be Muslim, the reasoning there is that judgeship confers sovereignty, and a non-Muslim may not have sovereignty over a Muslim.

**(e)**

136. We note that Act No. 124 (2019) enacted the Ja'fari (Shi'ite) Personal Status Code, which regulates matters of marriage, divorce, births, descent, custody, bequests, religious endowments and inheritance.

**(f)**

137. We note that following enactment of the Mental Health Act (No. 14 of 2019), the Ministry of Health issued implementing regulations with Ministerial Decision No. 304 (2019) of 24 October 2019.

**(g)**

138. Unlawful residents enjoy the same education services as Kuwaitis with no discrimination between males and females. Children and grandchildren of Kuwaiti women, children and grandchildren of military personnel and children of Ministry of



Education employees are admitted to public schools. Some 20,373 boy and girl students were enrolled during the 2020/2021 school year.

139. During the 2020/2021 school year, the Charitable Fund for Education established by the State covered education expenses for 13,327 students at a cost of 4,783,024 [dinars].

140. With regard to health care, unlawful residents are treated on an equal footing with citizens when it comes to fees, in accordance with Ministerial Decree No. 86 (2011). The Kuwaiti Government provides unlawful residents with comprehensive medical treatment. A decision was issued exempting unlawful residents who hold valid user cards issued by the Agency, or persons not registered with the Agency who have health insurance cards, from all treatment fees.

141. The State has also undertaken to send military personnel and wives of Kuwaitis who are unlawful residents for treatment abroad at the full expense of the State.

#### **Paragraph 47**

##### **(a)**

142. The laws in question come from the Islamic sharia, which is a main source of legislation in accordance with article 2 of the Constitution of the State of Kuwait. The explanatory memorandum accompanying the Constitution notes that that article does not stop at providing that the religion of the State is Islam, but also states that Islamic law – that is to say, Islamic jurisprudence – is a main source of legislation.

143. The Personal Status Code (No. 51 of 1984) and amendments thereto regulate all the rules relating to marriage, divorce, upkeep, custody, inheritance, bequests and other personal status matters. Act No. 124 (2019) enacting the Ja'fari Personal Status Code also regulates marriage, divorce, births, descent, custody, bequests, religious endowments and inheritance.

144. With regard to a woman's right to get a divorce or to have a marriage contract annulled, articles 126 to 138 of the Code entitle women to request a separation on grounds of injury or absence. A woman can have recourse to the courts in order to seek a divorce from her husband if it is impossible for the two to cohabit. Those articles make clear that a woman also has the right to seek a divorce if her husband fails to maintain her, has no visible assets and has not been proved insolvent, in which case the judge grants the husband a period of time to pay maintenance. If he fails to do so, his wife may seek a divorce.

145. Under the Islamic sharia, a woman has the right to a divorce initiated by the wife (*khul'*). This is allowable under article 111 of the Personal Status Act, which provides as follows:

(a) *Khul'* is a case in which the husband is divorced at the wife's instance, on agreed-upon terms; it may be called *khul'*, divorce (*talaq*), dissolution (*mubara'ah*) or other similar term.

(b) The *khul'* procedure may only be instituted by the spouses or their representatives.

146. Regarding a woman's right to custody of her children, that right is regulated by articles 189–199. Under article 189, the mother is granted custody, followed by her mother. If she is unable to assume custody, then the maternal aunt is granted custody, followed by the mother's maternal aunt, the mother's paternal aunt, the grandmother on the father's side, the father, then the father's sister, paternal aunt and maternal aunt, and lastly a cousin, with the mother's side taking precedence over the father's side.

147. Act No. 12 (2015) concerning family court provides for the establishment of a court in every governorate to hear all personal status claims.

148. Ministerial Decision No. 115 (2016) creates and regulates centres for the resolution of family disputes and the protection of family members from violence. The centres, which are present in each governorate and attached to family courts, try to settle family conflicts and to protect family members from violence and abuse inflicted by another member. Their competences include the following:

1. In cases not involving personal status or an emergency, the person concerned may, prior to having recourse to family court, submit an application to the dispute resolution centre.
2. Once the application for dispute resolution is submitted, a discussion hearing is scheduled for both parties before one of the centre's social workers, who will hear what they have to say, provide advice and guidance to both parties, and prepare a report documenting the proceedings of the discussion.
3. The dispute must be resolved within 15 days of receiving the request, subject to extension, with the agreement of the parties, for up to 60 days.
4. If the parties to the dispute do not accept an amicable reconciliation and press the case further, the social worker enters this in the record and refers the file to the registrar of the competent family court.

**(b)**

149. According to article 346 of the Personal Status Code (No. 51 of 1984), the Code is applicable to those who follow doctrine of Imam Malik. For others, their own provisions would be applicable. There was no written personal status code for the Ja'fari school by which to adjudicate Ja'fari personal status cases. That was why Act No. 124 (2019) promulgating the Ja'fari Personal Status Code was enacted. That Code consists of 510 articles regulating personal status issues such as marriage, divorce, births, descent, custody, bequests, religious endowments and inheritance.

150. The Ja'fari family courts – first instance, appeals and cassation – are competent to apply the provisions of this Code. Final rulings are valid before all the courts, taking into account the procedural provisions of the Family Court Act.

**Paragraph 48**

151. The State of Kuwait feels that there is no need to join the Optional Protocol at the present time.

**Paragraph 49**

152. We note that the State of Kuwait attaches great importance to the Beijing Declaration and Platform for Action, as reflected by its enactment of laws and mechanisms relating to women's empowerment, gender equality and domestic violence. That includes the Domestic Violence Act (No. 16 of 2020).

**Paragraph 50**

153. The State of Kuwait is pursuing the 17 Sustainable Development Goals in an integrated, coherent and consolidated manner. The Goals define the parameters of development priorities. The State of Kuwait has submitted its first voluntary national review of implementation of the 2030 Agenda. We draw attention to the project supporting the State of Kuwait in achieving Goal 5 of the Sustainable Development Goals on gender equality being implemented by the UNDP office in Kuwait and the UN-Women regional office for the Arab States along with local partners. That project

aims to expedite realization of Goal 5 through long-term transformative changes that will enable the State of Kuwait to achieve ambitious goals for its women's empowerment agenda within the context of the Sustainable Development Goals. The project has achieved significant results empowering Kuwaiti women in a number of areas. That includes politics, through capacity-building for 60 Kuwaiti women in leadership skills, campaign management, public speaking, communications and work-life balance.

**Paragraph 51**

154. The standing national committee for drafting reports and following up on human rights recommendations includes all stakeholders in the State. They already took part in preparing the fifth report and also attended the discussion of the report before the Committee. They also prepared the sixth report.

**Paragraph 52**

155. In keeping with the State's belief in and commitment to international human rights conventions and instruments, and its conviction that the values and principles of such conventions help to reinforce human rights in the States that are party to them, the standing national committee for drafting reports and following up on human rights recommendations was formed. It is chaired by the Ministry of Foreign Affairs and includes all relevant Government agencies. It is responsible for preparing all reports on human rights mechanisms and following up on their final observations and recommendations.

**Paragraph 53**

156. The State of Kuwait is still studying these agreements, which it has not yet joined.

**Paragraph 54**

157. The requested information was provided in document [HRI/CORE/KWT/2015](#).