



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

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

**Fiftieth session**

3 – 21 October 2011

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

**Kuwait**

1. The Committee considered the combined third and fourth periodic report of Kuwait (CEDAW/C/KWT/3-4) at its 1011th and 1012th meetings on 13 October 2011 (CEDAW/C/SR.1011 and 1012). The Committee's list of issues and questions is contained in CEDAW/C/KWT/Q/3-4 and the responses of the Government of Kuwait thereto are contained in CEDAW/C/KWT/Q/3-4/Add.1.

**A. Introduction**

2. The Committee welcomes the consolidated third and fourth periodic report by the State party, which was detailed and generally complied with the Committee's guidelines for the preparation of reports, although it lacked some specific sex disaggregated data and was overdue.

3. The Committee notes the lack of a participatory process in the preparation of the report, which was coordinated by the inter-ministerial International Liaison Committee and involved various Ministries, as civil society organizations were not consulted despite the Committee's previous recommendation.<sup>1</sup>

4. The Committee expresses its appreciation to the State party for the oral statement presented by the head of delegation and the written replies to the list of issues and questions raised by its pre-session working group. It commends the State party for its comprehensive delegation, which included representatives of several Government departments, the Public Financial and Administrative Prosecutor's Office, the Central Bureau for Illegal Residents and the Committee on Women's Affairs of the National Assembly. The Committee appreciates the constructive dialogue between the delegation and the members of the Committee, although some key questions remained unanswered or were partially answered.

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<sup>1</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38 (A/59/38), para. 80.*

5. The Committee notes the State party's commitment to further improve its legislation and policies to fully implement the provisions of the Convention, which requires, inter alia, that the Islamic sharia be interpreted in accordance with the State party's obligations under the Convention, and that the State party withdraw its reservations to articles 9, paragraph 2, and 16, paragraph 1 (f), of the Convention.

## **B. Positive aspects**

6. The Committee welcomes the ratification by the State party of the following international human rights treaties since the consideration of its combined initial and second periodic report by the Committee in January 2004:

(a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in 2004;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2006.

7. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time and that it has withdrawn its reservation to article 7 (a) concerning the elimination of discrimination against women in the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

8. The Committee welcomes the enactment, since 2004, of the following legislative measures and judicial decisions aimed at eliminating discrimination against women, including:

(a) The amendment to the Electoral Act No. 35 of 1962 by Act No. 17 of 2005, which grants Kuwaiti women full and equal rights with men to vote and stand for election, which has resulted in the election of women members of Parliament in 2009;

(b) The Private Sector Labour Act No. 6 of 2010, which prohibits the dismissal of employees based on sex and other grounds;

(c) Act No. 413/2009 obliging all physicians to report physical and psychological violence against children under the age of 17 to the Social Protection Police;

(d) The Supreme Court's judgment ruling against the requirement in article 15 of Act No. 11 of 1962 that the husband must agree to the woman's request for a passport, thereby enhancing the freedom of movement of women.

9. The Committee also notes with appreciation the adoption by the State party of various institutional and policy measures, in particular:

(a) The establishment by the Government, in November 2010, of a central body that is mandated to find a solution for the stateless Bidoun population, members of which are considered as "illegal residents";

(b) The establishment of the High Committee for Human Rights pursuant to Ministerial Decision No. 104 of 2008, especially its International Liaison Committee tasked with the preparation of periodic reports to human rights treaty bodies;

(c) The creation of institutional mechanisms for the advancement of women, including the Committee for Women's Affairs of the National Assembly;

(d) The creation of the women police task force, which intervenes in cases of sexual harassment in public venues;

(e) The establishment of a hotline to report labour complaints, human trafficking and forced labour, pursuant to Ministerial Decision No. 141/A/2010;

(f) The adoption of a regulation prohibiting employers in the civil and oil sectors from withholding the travel documents of their employees.

### **C. Principal areas of concern and recommendations**

**10. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. The Committee calls upon the State party to disseminate the present concluding observations to all relevant ministries, to the Parliament (National Assembly) and to the judiciary, so as to ensure their full implementation.**

**11. Given the importance of reliable data about demographic, political, economic and social situation in Kuwait, the Committee calls on the State party to submit a core document to the human rights treaty bodies that would reflect, inter alia, the fact that out of over 3 million inhabitants of Kuwait, more than 2 million are foreign workers, which may impact on the implementation of the Convention.**

#### **National Assembly**

**12. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus. It invites the State party to encourage the National Assembly, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.**

#### **Reservations**

**13. While commending the withdrawal of the reservation to article 7 (a) of the Convention by the State party, the Committee reiterates its concern, drawing attention to its statement on reservations,<sup>2</sup> about the maintenance of reservations by the State party to articles 9, paragraph 2, and 16, paragraph 1 (f), of the Convention. Recalling its general recommendation 21 (1994) on equality in marriage and family relations, the Committee reiterates its view that the reservation to article 16, paragraph 1 (f), is contrary to the object and purpose of the Convention and is thus impermissible under article 28, paragraph 2, of the Convention.**

**14. The Committee urges the State party to ensure full implementation of the Convention and, to that end, recommends that the State party:**

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<sup>2</sup> *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38 (A/53/38/Rev.1), part two, chap. I, section A.*

(a) Provide, in its next report, comprehensive information on the effect of its reservations on the implementation of the provisions of the Convention and the situation of women in Kuwait;

(b) Take the necessary steps to withdraw the reservations to articles 9, paragraph 2, and 16, paragraph 1 (f), of the Convention.

#### **Visibility of the Convention**

15. While noting that, according to article 70 of the Constitution, international treaties such as the Convention that have been ratified and published in the official Gazette form part of the State party's national law, the Committee reiterates its concern that there is a lack of clarity with regard to the direct applicability and primacy of the Convention over national laws. The Committee is also concerned that there is inadequate knowledge of the rights of women under the Convention, its concept of substantive gender equality and of the Committee's general recommendations among all branches of the government and the judiciary as well as among the public.

**16. The Committee recommends that the State party:**

(a) Ensure the primacy of the Convention over national laws, and its direct applicability and enforceability within the national legal framework;

(b) Disseminate the Convention and the Committee's general recommendations among all segments of the society, and organize legal education and regular training for government officers, legislators, judges, lawyers and magistrates, including those in personal status courts, prosecutors, the police, and other law enforcement officers on the Convention and its direct applicability so that it can serve as an effective framework for all laws, court decisions and policies on gender equality and the advancement of women;

(c) Enhance women's awareness of their rights and the means of access to justice at the national and local levels for women claiming violations of their rights under the Convention, and ensure that information on the Convention is provided to women in all parts of the State party, including through the use of information campaigns and the media;

(d) Submit, as a matter of priority, the present concluding observations of the Committee to the National Assembly with the aim of their full realization.

#### **Definition of discrimination against women**

17. The Committee welcomes the guarantees of equality without discrimination on grounds of sex, colour, language or religion under article 29 of the Constitution. However, it notes with concern the absence of comprehensive civil and criminal law provisions defining and prohibiting discrimination against women in accordance with article 1 of the Convention, due to which the constitutional principle cannot be effectively enforced.

**18. The Committee encourages the State party to adopt and effectively enforce a comprehensive legislation on gender equality, including a definition of discrimination against women in accordance with article 1 of the Convention, as well as civil and other remedies and sanctions to protect women against such acts.**

#### **Discriminatory laws**

19. The Committee expresses its concern that many discriminatory provisions remain in laws such as the Personal Status Act, the Criminal Code, the Prisons Act, the Civil Code, the Nationality Act, the Education Act and the Private Sector Labour Act, contrary to the

State party's obligations under the Convention and other relevant international human rights instruments.

**20. The Committee urges the State party to systematically review its laws and regulations, taking into consideration the practice of other countries in the region that have successfully done so, in order to amend or repeal sex- and gender-based discriminatory provisions of its legislation, with the aim of ensuring full compliance with the provisions of the Convention, in accordance with its article 2.**

#### **Legal complaint mechanisms**

21. While welcoming the disaggregated data on specific crimes investigated and prosecuted before the courts, the Committee notes with concern the lack of clarity about the number and outcome of complaints about discrimination, including domestic violence, brought by women to the High Committee for Human Rights and to the courts.

**22. The Committee urges the State party to facilitate effective access to justice and recommends that the State party:**

**(a) Facilitate the submission of complaints by women victims of discrimination, in particular by providing the necessary legal assistance;**

**(b) Monitor the incidence of all crimes against women, including the acts of domestic and sexual violence, disaggregated by sex, age and nationality;**

**(c) Collect data on the sentences imposed on perpetrators of such crimes and report thereon to the Committee.**

#### **National machinery for the advancement of women**

23. The Committee welcomes the fact that the Government has developed numerous departmental and intergovernmental coordinating mechanisms on women's equality, including the Coordination Committee on Women's Affairs, which advises the Cabinet of Ministers, and the National Assembly's Committee on Women's Affairs, the mandate of which is to examine existing legislation relating to women, draft new laws and monitor their implementation. However, it remains concerned at the lack of clarity about the impact of the activities of the national machinery on gender equality, its mandate, and the human and financial resources allocated to individual mechanisms. Furthermore, the Committee is concerned about the absence of a dedicated central authority leading the national machinery on women's empowerment.

24. The Committee also expresses its concern about the absence of a comprehensive plan of action to achieve gender equality, despite the State party's commitment to adopt such a plan in the context of the universal periodic review of Kuwait.

**25. The Committee recommends that the State party:**

**(a) Clarify, in its next periodic report, the impact of the activities of individual components of the national machinery on gender equality, their mandate, and the human and financial resources allocated to each mechanism;**

**(b) Establish a central authority leading the national machinery on women's empowerment, with the aim of, inter alia, enhancing the involvement of women at decision-making levels, with a strong mandate and adequate financial and human resources;**

**(c) Adopt a comprehensive national plan of action to achieve gender equality, in accordance with the commitments made by the State party during its**

**universal periodic review, taking due consideration of the provisions of the Convention and the concluding observations addressed to Kuwait.**

#### **Temporary special measures**

26. The Committee is concerned that no temporary special measures pursuant to its general recommendations No. 23 (1997) on women in political and public life and No. 25 (2004) on temporary special measures have been taken by the State party to deal with gender equality issues. The Committee notes the statement of the delegation that, while municipal councils consist of both elected and appointed members to ensure, inter alia, the representation of women, no fixed representation or quota exists with regard to the representation of women in the National Assembly or concerning employment of women in the private sector and at the higher level positions of the administration.

**27. The Committee urges the State party to take steps to achieve substantive equality between men and women, including through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), and recommends that the State party consider adopting special measures at the national and international levels, such as quotas or preferential treatment to accelerate women's political participation in public and political life, including the measures with respect to holding public office and performing all functions at all levels of the government, as well as their employment in the private sector.**

#### **Stereotypes and harmful practices**

28. Despite the efforts by the State party to raise awareness of women's equality and eradicate the patriarchal culture and discriminatory stereotypes relating to the role and responsibilities of women and men in the family and society, the Committee notes with concern the limited impact of such measures, as discriminatory stereotypes overemphasizing the roles of women as wives and mothers continue to prevail in the State party. While there is information on several projects on Kuwaiti women and families, such as the studies on the effect of the Internet on marital harmony, the reasons why some girls imitate boys in secondary schools in Kuwait, and the impact of satellite channels on the behaviour of Kuwaiti girls, the Committee is concerned about the lack of clarity about the results of those measures which may in fact reinforce discriminatory stereotypes. The Committee also notes with concern that early-stage school curricula also contribute to the prevalence of stereotyped roles of women and men and that there is a lack of information about the role played by the media and by NGOs in combating negative stereotyping and societal attitudes.

**29. The Committee recommends that the State party:**

**(a) Revise its awareness-raising measures and studies to effectively promote gender equality and overcome patriarchal attitudes and deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society, and inform the Committee about the results of those measures in the next periodic report;**

**(b) Amend early-stage school curricula to avoid conveying stereotyped images of the roles of women and men;**

**(c) Take systematic measures to engage media and NGOs in combating negative stereotyping and societal attitudes;**

**(d) Inform the Committee about the results of the projects related to girls and women.**

### **Violence against women**

30. The Committee reiterates its concern about the lack of available data regarding the number of reported cases of domestic and sexual violence against women, criminal investigations, prosecutions and punishments thereof and the remedies, including compensation, provided to victims since 2005, disaggregated by sex, age, nationality and relationship between victim and perpetrator. It is also concerned about the absence of provisions in the Penal Code criminalizing all forms of domestic and sexual violence against women in the family or workplace. The Committee notes with concern the State party's information that under article 186 of the Criminal Code, a sexual offence by a husband is considered a criminal offence only when he commits an "unnatural act". The Committee is also concerned that, according to Kuwaiti legislation, the court is obliged to provide lawyers only to the accused, but not to the victims of criminal acts. In this context, the Committee recalls the need to guarantee human rights to all women victims of violence, particularly the right to be represented by an attorney. The Committee is also concerned that no shelters are available for married women victims of violence and that the Care Centres attached to the Ministry of Social Affairs and Labor refuse to accommodate girls under 18 subjected to family violence. It notes with concern the lack of clarity about the burden of proof with respect to injury as a result of domestic violence for filing a petition for divorce, which reportedly requires two male or one male and two female witnesses. The Committee is also concerned about the so-called "honour crimes" and the extremely lenient penalties those acts attract under article 153 of the Criminal Code. Under that article, men suspected of murder for adultery can face a penalty of up to three years in prison or a fine of up to 3,000 rupees, as compared to women, who can receive a life sentence. The Committee also notes with concern the practice of placing female detainees under male supervision in pretrial detentions and remand prisons.

#### **31. The Committee urges the State party:**

(a) **To compile data regarding the number of reported cases of domestic and sexual violence against women, the number of criminal investigations and prosecutions, and the sentences imposed on perpetrators, as well as regarding the remedies, including compensation provided to victims since 2005, disaggregated by sex, age, nationality and relationship between victim and perpetrator;**

(b) **To adopt specific legislation to criminalize acts of domestic and sexual violence, including the amendment to article 186 of the Criminal Code to criminalize marital rape, seeking inspiration from other countries with similar cultural specificities which have taken steps in this regard;**

(c) **To assist women victims to report incidents of domestic and sexual violence to the police, including by providing legal, medical and psychological assistance and rehabilitation, including adequate shelters;**

(d) **To ensure that all reported incidents of domestic and sexual violence are promptly and impartially investigated and prosecuted, and that victims thereof receive adequate remedies;**

(e) **To provide regular training for the police, prosecutors and judges on effective investigation, prosecution and punishment of acts of domestic and sexual violence against women, including on the guarantees of the right to be represented by an attorney of one's own choice, and to inform the general public on the criminal nature of such acts;**

(f) **To review the existing legal provisions relating to divorce in case of injury as a result of domestic or sexual violence, with a view to facilitating divorce of**

women victims of such acts, and to provide legal aid to non-citizen women seeking divorce from Kuwaiti men based on the grounds of domestic violence;

(g) To amend article 153 of the Criminal Code in order to remove diminished criminal liability and provide more stringent penalties for men who commit so-called “honour crimes”;

(h) To further amend the Criminal Code so as to provide equal sanctions for both men and women in relation to killings motivated by adultery;

(i) To ensure that women are under the supervision of female guards in all places of detention;

(j) To provide for a sufficient number and sufficient quality of shelters for all female victims of violence without restrictions linked to age or marital status.

#### **Trafficking and sexual exploitation**

32. While welcoming the information about the submission to the National Assembly of a draft act against trafficking in persons and the smuggling of migrants, and the prohibition for employers in the civil and oil sectors to withhold the travel documents of employees, the Committee notes the lack of clarity about the envisaged definition of trafficking in persons in the draft act and expresses its concern about the explanation provided by the State party regarding the maintenance of stringent standards of proof applied by the courts and the Criminal Investigation Division for determining whether women are forced into prostitution against their will, in particular the evidence of coercion, such as locked doors and barred windows. The Committee is also concerned at the information given that non-citizen women who are victims of forced prostitution are granted residence permits only if a sponsor is available for the victim and the victim’s innocence is proven.

**33. The Committee recommends that the State party:**

(a) Include in its draft act against trafficking in persons a definition of trafficking, as well as safeguards for investigation, prosecution and punishment of such acts in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) Establish a centralized national mechanism to coordinate efforts aimed at preventing and combating trafficking in persons and protecting its victims, and adopt a national plan of action in that regard;

(c) Relax the stringent standards of evidence of coercion and allow for the consideration of the whole set of circumstances in cases of forced prostitution, and consider granting residence permits on humanitarian grounds to non-citizen women who are victims of trafficking and forced prostitution;

(d) Collect data on acts of trafficking and on victims who have been detained, prosecuted or deported since 2005 for acts such as prostitution or absconding;

(e) Address the root causes of trafficking, including its close link to prostitution and sexual exploitation of women and girls, including foreign domestic workers.

#### **Participation in political and public life**

34. While women have been granted the right to vote and stood for election in 2005, and four women were subsequently elected to the National Assembly, the Committee expresses



its concern that women remain largely underrepresented in public and political life and that the level of women's participation in the Parliament and Government remains very low. The Committee also notes with concern that the Office of the Public Prosecution does not appoint women to the post of prosecutors and that the High Council of the Judiciary refrains from appointing women as judges. The Committee is also concerned that there are only two women ambassadors in the State party's 82 diplomatic missions abroad.

**35. The Committee urges the State party to further encourage and facilitate women's representation in Parliament and ministerial positions, and their appointment as prosecutors and judges and at the senior level in the civil service, and to increase the representation of women in the diplomatic service, including as heads of its diplomatic missions abroad.**

#### **Nationality**

36. The Committee reiterates its serious concern that under the Nationality Act female Kuwaiti nationals are not entitled to pass on their nationality to their children, except in cases of divorce, death or statelessness of the father of the children, and that even in such instances the decision to grant nationality to the child is not automatic. It notes with concern that unlike men, Kuwaiti women are still unable to pass their nationality to their foreign spouses. The Committee is also concerned about reports that the issuance and renewal of identity cards for the Bidoun – "illegal residents" is subject to the requirement that they sign affidavits renouncing any claim to Kuwaiti nationality.

**37. The Committee urges the State party:**

**(a) To review the Nationality Act to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Kuwaiti women to pass their nationality to their children and to their foreign spouses;**

**(b) To refrain from forcing Bidoun - "illegal residents" upon issuance or renewal of their identity cards to sign affidavits renouncing any claim to Kuwaiti nationality.**

#### **Education**

38. While noting the increased number of girls and women enrolled in universities, especially in studies of medicine and engineering, the Committee expresses its concern at the instructions of the Ministry of Education preventing married students from continuing studies in day schools while permitting their registration in evening schools, despite much higher drop-out rates in evening schools. The Committee notes with concern the segregation of students based on sex in public secondary schools and universities pursuant to Act No. 24 of 1996, and the employment of only same-gender educational and administrative staff in the public schools, which may perpetuate discriminatory stereotypes. It is also concerned about the lack of clarity as to whether education on sexual and reproductive health and rights forms part of public school curricula.

**39. The Committee recommends that the State party:**

**(a) Review regulations on married women's attendance at schools and allow their enrolment in day schools;**

**(b) Allow for mixed education in public schools and employ mixed-gender educational and administrative staff in public schools;**

**(c) Include more comprehensive education on sexual and reproductive health and rights in public school curricula.**

**Employment**

40. The Committee notes the adoption of the new Private Sector Labour Act, but remains concerned that it does not prohibit direct and indirect discrimination on the grounds enumerated in International Labour Organization (ILO) Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation with respect to all aspects of employment, in particular the prohibition of sexual harassment. The Committee expresses concern at the serious reports on harassment of migrant women domestic workers who are discriminated against based on multiple grounds, including the sponsorship system and a related lack of social security and adequate mechanism to seek legal redress for contracted migrant workers.

**41. The Committee encourages the State party to:**

**(a) Include a comprehensive provision in the new Private Sector Labour Act prohibiting direct and indirect discrimination on the grounds enumerated in ILO Convention No. 111 with respect to all aspects of employment, as well as provisions prohibiting career promotion or regression based on submission to or rejection of sexual advances (quid pro quo) and sexual harassment, and provisions for effective access to legal redress for victims, in particular for women;**

**(b) Review the sponsorship system in order to decrease the dependency and vulnerability of migrant domestic workers, in particular women, in relation to their employers, and consider measures which would guarantee a minimal level of social insurance to migrant domestic workers, including insurance for a loss of income due to illness;**

**(c) Consider seeking technical assistance, with a focus on the implementation of ILO Convention No. 111, and also with a view to the possible ratification of ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;**

**(d) Consider the ratification of ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.**

**Health**

42. While welcoming the recent enactment regarding the obligation for all physicians to report physical and psychological violence against children under the age of 17 to the Social Protection Police, the Committee expresses its concern at the lack of a policy requiring medical personnel to monitor and report cases of domestic violence against women and the continued practice of seeking a male guardian's consent to medical treatment of a woman. The Committee is also concerned about the lack of legislation regulating the detention and treatment of mentally ill patients in psychiatric hospitals without a determination of detention and its duration. The Committee is particularly concerned about reports relating to several incidents of involuntary psychiatric hospitalization of women for social misbehaviour or breaking societal norms. The absence of clarity about the medical standard establishing grounds for abortion in the cases of rape and incest is yet another source of concern.

**43. The Committee urges the State party:**

**(a) To ensure regular training and sensitization of medical personnel in order to systematically monitor all acts of domestic violence and report thereon to law enforcement authorities;**

**(b) To abolish, as a matter of priority, the requirement of a male guardian's consent to urgent or non-urgent medical treatment of a woman;**

(c) **To adopt a law on mental health to regulate the detention and treatment of mentally ill patients in psychiatric hospitals in accordance with international standards, including a determination of detention and its duration by the court;**

(d) **To adopt medical standards and provide for implementation mechanisms establishing that rape and incest constitute grounds for abortion.**

#### **Disadvantaged groups of women**

44. The Committee notes with concern the absence of an asylum law which would address the needs of refugees and asylum-seekers registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the State party, about 50 per cent of whom are women. It also notes with concern that refugees and asylum-seekers who are unable to obtain legal residency have no access to formal employment opportunities or to basic social services. The Committee reiterates its concern that nationality can be acquired and transferred, with few exceptions, only through a husband or father of Kuwaiti nationality, which disproportionately affects stateless persons, including the Bidoun – “illegal residents”, and its concern about the lack of birth certificates and other identification documents of children of stateless Bidoun women and men married to non-Kuwaitis.

**45. The Committee urges the State party to enhance its compliance with article 9 of the Convention, in particular by granting women equal rights with men as regards the nationality of their children. It recommends that the State party:**

(a) **Regularize the status of refugees recognized under the UNHCR mandate in order to enable them to avail themselves of basic rights, including health services and education for refugee women;**

(b) **Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt an asylum law;**

(c) **Review and amend the Nationality Act to ensure equality between women and men with regard to the acquisition, change and retention of nationality and the acquisition of nationality by children at birth;**

(d) **Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

(e) **Ensure that birth certificates and other documents are issued to children of stateless Bidoun women and men married to non-Kuwaitis as a means of preventing statelessness;**

(f) **Expedite the adoption of the draft act granting civil and social rights to foreigners in an irregular situation, including access to identification cards; birth, marriage and death certificates; and to health care, education, ownership of property and employment opportunities.**

46. The Committee notes that all citizens can benefit from health care which is free or partially free of charge. However, it notes with concern that medical insurance for women migrant workers is the sole responsibility of employers, without any guarantees of basic health care, including emergency services, on part of the State party.

**47. The Committee urges the State party to guarantee basic health care, including emergency services to women migrant workers.**

48. While welcoming the reassurance by the State party that disabled women are not forced to undergo compulsory sterilization or abortion, the Committee remains concerned

at the absence of a comprehensive law protecting women from forced sterilization and abortion.

**49. The Committee urges the State party to adopt a comprehensive law protecting women, including disabled women, from forced sterilization and abortion.**

#### **Marriage and family relations**

50. The Committee notes with concern the continued application of the discriminatory provisions contained in the State party's Personal Status Act, in particular the permissibility of polygamy, the prohibition for Muslim women to marry non-Muslim men, the requirement of consent of *walis* (guardians) for the marriage of Sunni women, the restrictions on women's right to divorce, and the inheritance rights of Sunni women, who, unlike Shia women, must share their deceased husband's property with his male relatives. The Committee is also concerned about the absence of information on any steps taken by the State party to raise the minimum age of marriage for women and men from 15 and 17 years, respectively, to 18, as recommended by the Committee, as well as on measures to prevent early marriages in tribal groups.

**51. The Committee recommends that the State party:**

(a) **Review the discriminatory provisions of the Personal Status Act and, in particular, repeal the prohibition on Muslim women marrying non-Muslim men and restrictions on women's right to divorce, raise the legal minimum age of marriage to 18 for both men and women in conformity with the Convention on the Rights of the Child, and take all necessary measures to prevent the practice of early marriage in all societal groups in the State party;**

(b) **Eliminate the requirement of consent of *walis* for the marriage of Sunni Muslim women;**

(c) **Discourage and prohibit polygamous marriage in practice and in law, in accordance with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations;**

(d) **Consider revising the provisions of inheritance law so that women are able to inherit on terms of equality with men.**

52. The Committee expresses its deep concern that article 110 of the State party's Civil Code and article 209 of the Personal Status Act still vest the guardianship over a minor child to a father and other male relatives, while mothers can serve as guardians only when authorized through a court decision. Thus, mothers continue to be prevented from taking decisions and representing their children before official bodies, in particular with regard to registering their children in and transferring them to schools, which require a power of attorney from the father even if the mother has been appointed a guardian by the court.

**53. The Committee urges the State party to ensure that both fathers and mothers can exercise custodial and guardianship rights over their minor children on an equal basis in all areas of life, in accordance with the best interest of the child standard as contained in the Convention on the Rights of the Child, to which Kuwait is a party, and article 16 of the Convention.**

#### **National human rights institution**

54. While welcoming the reaffirmation of the State party's resolve to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris

Principles), in line with the voluntary commitment it made during the universal periodic review of Kuwait, the Committee notes the lack of clarity about the concrete steps taken to create such a mechanism.

**55. The Committee recommends that the State party establish an independent national human rights institution in accordance with the Paris Principles, pursuant to the pledge it made during the universal periodic review.**

#### **Optional Protocol**

**56. In the light of the previous recommendation by the Committee to ratify the Optional Protocol to the Convention, and taking note of the refusal to accept a similar recommendation addressed to the State party in the context of the universal periodic review of Kuwait, the Committee encourages the State party to reconsider its accession to the Optional Protocol in order to facilitate the full enjoyment of the rights guaranteed under the Convention.**

#### **Beijing Declaration and Platform for Action**

**57. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Dissemination**

**58. The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that the dissemination extend to the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of the present observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".**

#### **Ratification of other treaties**

**59. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>3</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Kuwait to consider ratifying the treaties to**

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<sup>3</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance.

**Follow-up to concluding observations**

60. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31 and 35 above.

**Technical assistance**

61. The Committee recommends that the State party consider seeking and availing itself of technical assistance in the development and implementation of a comprehensive plan aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls on the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights.

**Preparation of the next report**

62. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report, and to consult a variety of women's and human rights organizations during that phase.

63. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in October 2015.

64. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, part one, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.