



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the sixth periodic report of Kuwait\*

#### Legislative framework and definition of discrimination against women

1. With reference to the Committee's previous recommendations (para. 13),<sup>1</sup> please indicate the steps taken to incorporate explicit definitions of discrimination against women and gender equality into national legislation, covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with article 1 of the Convention. Please also indicate, more generally, the measures taken in order to incorporate the Convention into national legislation and to train judicial personnel, law enforcement officials and members of parliament on its contents and implementation, including through courses at the Kuwait Institute for Judicial and Legal Studies, to encourage its use in legal proceedings. Please inform the Committee about concrete steps taken to repeal all discriminatory provisions in the State party's legislation, including provisions relating to male guardianship, nationality and employment.

#### Withdrawal of reservations and ratification of the Optional Protocol

2. Please provide information on the progress made by the State party in reviewing its reservations to articles 9 (2) and 16 (1) (f) of the Convention, with a view to withdrawing them or narrowing their scope. Please also provide information on the steps taken by the State party to ratify the Optional Protocol to the Convention.

#### Women's rights and gender equality in relation to the pandemic, recovery efforts and global crisis

3. Please describe efforts made and mechanisms put in place to respond to the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, energy crises and other relevant areas. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in

\* Adopted by the pre-sessional working group on 2 March 2023.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the previous concluding observations of the Committee (CEDAW/C/KWT/CO/5).



elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes, and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

### **Women's access to justice**

4. Please inform the Committee about measures taken to raise women's awareness of their rights and to raise men's awareness of women's rights, in particular in rural and remote areas, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please also provide information on the measures taken to remove legal, financial and cultural barriers to women's access to justice, including by strengthening their access to free legal aid, repealing or amending discriminatory provisions in national legislation and creating an enabling environment for women to claim their human rights.

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

5. Please provide detailed information on the structure of the Supreme Council for Family Affairs and explain its role in ensuring the human rights of women under the Convention and the Sustainable Development Goals, in particular in relation to Goal 5. Please also provide further information on the third development plan for the period 2020/21–2024/25, including the role of women and women's groups in its adoption and implementation and consultations held with them in that regard, its provisions relating to gender equality and its impact on advancing women's human rights. Please also provide information on steps taken to develop national action plans on gender equality, domestic violence and the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security.

### **National human rights institution**

6. With reference to the Committee's previous recommendation relating to the Human Rights Diwan (para. 21), please provide information on steps taken to ensure its accreditation and compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, annexed to General Assembly resolution [48/134](#) of 20 December 1993), including by freeing it from the supervision of the Council of Ministers. Please also provide information on the gender equality mandate of the family committee of the Council of Ministers, and whether it will be replaced by an independent, permanent committee on women's rights. Please further provide information on the number of women and men employed at the Human Rights Diwan and on their functions.

### **Temporary special measures**

7. Please indicate whether the State party has adopted temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, aimed at accelerating the achievement of substantive equality of women and men in all areas in which women are still underrepresented or disadvantaged, in particular in political and public life, education and employment.

### **Stereotypes**

8. Please explain the concrete steps taken by the State party to eliminate discriminatory stereotypes about the roles of women and men in the family and in society, and to involve men and boys in addressing discriminatory stereotypes. Please

provide information on steps taken to address sexist portrayals of women in the media, including the use of hate speech against women on social media. Please also indicate whether there are any awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life.

### **Harmful practices**

9. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide the Committee with information on:

(a) Specific legislation criminalizing female genital mutilation, along with disaggregated data on the prevalence of this harmful practice in the State party. If no specific legislation has been adopted, please provide information on steps taken to introduce such legislation;

(b) Steps taken by the State party to repeal articles 24 and 26 of the Personal Status Code (No. 51 of 1984), which allow for child marriage, and to adopt legislation setting the minimum age of marriage at 18 years for both women and men;

(c) Steps taken by the State party to discourage and prohibit polygamy, which is contrary to women's and girls' equality and incompatible with their human rights under the Convention, including by repealing or amending relevant articles of the Personal Status Code (No. 51 of 1984).

### **Gender-based violence against women**

10. Taking into account the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and taking into consideration the promulgation of Act No. 16 (2020) on protection against domestic violence, please provide the Committee with information on:

(a) Steps taken by the State party to remove from its legislation discriminatory provisions that perpetuate and condone gender-based violence against women;

(b) Steps taken to amend or abolish article 182 of the Criminal Code, which promotes impunity by allowing perpetrators of gender-based violence, including rape, to evade criminal liability by marrying their victims. Please also clarify whether the victim's consent is required for such marriages, and how the victim's free, prior and informed consent is ensured and safeguarded from undue familial, cultural and religious external pressures;

(c) Instances where a victim, who is later married to the perpetrator, requests that the perpetrator be punished, but her guardian does not, along with information on the number and nature of cases where article 182 has been applied. If no such data exists, please explain why;

(d) Steps taken to repeal legislation that permits or provides leniency or reduced sentences for acts of gender-based violence against women, in line with the Committee's previous recommendation (para. 15), with specific reference to articles 29 and 153 of the Criminal Code;

(e) The steps taken by the State party to re-establish a moratorium on the use of the death penalty, or to abolish the death penalty. Please also provide data on the number of women sentenced to death and executed during the reporting period, along with information on the crimes for which they were sentenced.

11. Please provide information on steps taken by the State party to broaden the scope of article 186 of the Criminal Code to include instances of non-consensual sexual intercourse beyond only those situations involving the use of force, threats or deception. Please clarify whether the interpretation of the term “sexual intercourse” contained within article 186 of the Criminal Code covers all non-consensual sexual acts. If it does not, please provide information on steps taken to ensure that all non-consensual sexual acts are subject to the same criminal legislative framework and carry criminal penalties that are commensurate with the gravity of the offence. Please provide information as to whether marital rape is specifically criminalized in the State party.

12. Please provide additional disaggregated data on the number of convictions of perpetrators for crimes involving gender-based violence, including economic and psychological violence, during the reporting period. Please also provide information on the number of emergency protection orders requested and granted pursuant to article 17 of Act No. 16 (2020) on protection against domestic violence and on the penalties for non-compliance. Please provide information on the number of calls received by the hotline established by the Supreme Council for Family Affairs (CEDAW/C/KWT/6, para. 66), and on follow-up to these cases. Please also provide information on the number of shelters for victims of domestic violence that have been established pursuant to article 5 of Act No. 16 (2020) on protection against domestic violence, and their locations, number of occupants and the financial, technical and human resources allocated by the State party to these shelters.

#### **Trafficking and exploitation of prostitution**

13. Please provide information on steps taken by the State party to end the prosecution of women and girl victims of trafficking, including in cases of violations of immigration law and sex-related offences, as well as on training provided to the judiciary and law enforcement officers on the early identification and referral of trafficking victims to appropriate services. Please provide further statistical data on the number of convictions under Act No. 91 (2013) on combating trafficking in persons and the smuggling of migrants during the reporting period, including disaggregated data on the type of trafficking. Please also provide data, disaggregated by age and country of origin, on the number of women and girl victims of trafficking who have been placed in State-designated shelters in line with Act No. 91 (2013) on combating trafficking in persons and the smuggling of migrants. Please give information on measures in place to prevent labour exploitation in domestic work and measures to protect migrant workers from trafficking situations. Please indicate the number of victims of trafficking in persons who have had their temporary residence permits renewed, in line with article 14 of Ministerial Decision 957 (2019), and on the state of implementation of the national strategy to combat trafficking in persons and the smuggling of migrants, including any notable successes to date. Please provide information on the legal framework regulating prostitution.

#### **Equal participation in political and public life**

14. Please provide data on the number of women currently holding seats in the National Assembly and the number of women ministers, ambassadors and mayors. Please also provide the Committee with data on the number of women currently serving as judges, including in personal status courts. Please indicate what steps have been taken to amend Act No. 23 (1990) regulating the judiciary to ensure that women are able to serve as judges without restrictions based on their religious affiliation. Please provide data on the number of women occupying leadership roles in sports and media organizations and associations. Please provide information on any measures adopted in accordance with article 4 (1) of the Convention and the Committee’s

general recommendation No. 25 (2004) on temporary special measures, including quotas and preferential recruitment of women, to achieve women's equal representation in political and public life, including at decision-making levels.

### **Nationality**

15. With reference to the Committee's previous recommendations (para. 33), please provide information on the steps taken to grant Kuwaiti women the same rights as Kuwaiti men under national legislation to acquire, change and retain their nationality, and to confer it on their children and foreign spouses, in line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Please also provide information on the measures taken to regularize the situation of stateless women and girls, including Bedouin women and girls, and data on the number of stateless women who have been granted Kuwaiti nationality. Please inform the Committee of steps taken to ratify the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

### **Education**

16. Please provide information on the measures taken to promote girls' and women's enrolment in non-traditional fields of study, such as science, high technology and innovation, engineering, mathematics and information and communications technology. Please also provide detailed information on any restrictions on the enrolment of women in specific training programmes.

17. Please provide information on the availability of age-appropriate sexuality education at all levels of the education system, including in rural and remote areas. Please indicate the concrete steps taken to eliminate stereotypes regarding traditional gender roles from curriculum instruction on family life. Please also provide information on the steps taken to ensure that disadvantaged groups of girls and women, including those belonging to ethnic and religious minorities and girls and women with disabilities, have access to inclusive education at all levels of the education system, including in rural and remote areas.

### **Employment**

18. Please provide information on concrete steps taken by the State party to repeal all discriminatory provisions relating to women's employment, including article 89 of the Personal Status Code (No. 51 of 1984) and articles 22 and 23 of the Labour Code (No. 6 of 2010). Please indicate whether the State party has taken steps to explicitly prohibit and criminalize sexual harassment in the workplace in the private sector and to ratify the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization (ILO), with a view to ensuring full harmonization of national legislation with those instruments.

19. Please provide information on steps taken to extend the protection of the Labour Code (No. 6 of 2010) to domestic workers, and to include domestic workers in the wage protection system. Please also indicate the steps taken to ensure that women migrant domestic workers are able to freely change employers and to access free legal aid, affordable health-care services and social protection. Please explain whether women migrant workers in the informal economy have access to free legal aid if they wish to claim their salaries and complain about exploitative working conditions, as well access to basic services and consular assistance in case of in detention. Please

provide information on steps taken to ratify the ILO Workers with Family Responsibilities Convention, 1981 (No. 156), the ILO Domestic Workers Convention, 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with a view to ensuring Act No. 68 of 2015 on domestic workers is fully harmonized with those instruments.

### **Health**

20. Please provide the Committee with information on women's access to health services, including sexual and reproductive health services in the State party, and indicate whether women can access these services and undergo surgery without the approval of a husband or male relative. Please also explain whether health care is free of charge for all women and girls in the State party, including stateless and undocumented migrant women and girls. Please indicate the steps taken by the State party to legalize abortion in cases of rape and incest, and decriminalize it in all other cases, and to ensure that women and adolescent girls have access to safe abortion and post-abortion services.

### **Economic empowerment and social benefits**

21. Please provide the Committee with information on the access of women, including non-Kuwaiti and unmarried women, to loans and financial credit, including housing loans, and whether this access differs in any way to that afforded to men. Please indicate the percentage of businesses run by women, the number of women occupying board or director positions in consumer cooperative associations and financial institutions, and any measures taken by the State party to promote women's entrepreneurship.

### **Disadvantaged groups of women**

22. Please provide information on the measures taken to address intersecting forms of discrimination faced by disadvantaged groups of women and girls, including women and girls of the Baha'i faith, women and girls with disabilities, migrant and domestic workers, single women heads of family and stateless, *bidun* and refugee women and girls, and to ensure that they have equal access to justice, education, employment, health services, social protection and other basic services, in law and in practice.

### **Marriage and family relations**

23. Please provide information on the measures taken to repeal discriminatory provisions in the Personal Status Code (No. 51 of 1984) relating to marriage, divorce, polygamy, guardianship, custody and legal guardianship of children, division of property and inheritance. Please also provide information on steps taken to ensure that Muslim women have the same right as men to choose freely a spouse and enter into marriage only with their free and full consent. Please further provide information on the ongoing review of Act No. 124 (2019) enacting the Ja'fari (Shi'ite) Personal Status Code, with a view to repealing or amending any discriminatory provisions.

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