



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

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

Summary record of the 642nd meeting

Held at Headquarters, New York, on Thursday, 22 January 2004, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.20 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second periodic reports of Kuwait (continued) (CEDAW/C/KWT/1-2)

1. *At the invitation of the Chairperson, the members of the delegation of Kuwait took places at the Committee table.*

2. **Ms. Nazar** (Kuwait), in response to a question about the publication and dissemination of the Convention, said that Kuwait's accession to the Convention had been published in the Official Gazette under Decree No. 24 of 17 January 1994, and that the Gazette was widely distributed to government institutions and libraries for the benefit of the general public.

3. Kuwait's reservation to article 7 (a) on the right to vote and eligibility for election was based on the fact that such rights were, at the moment, limited to Kuwaiti men, in accordance with Act No. 35 of 1962, as amended. The Government intended to withdraw its reservation to article 7 (a) as soon as it had adopted new legislation granting those rights to women. Similarly, the reservation to article 9 of the Convention concerned paragraph 2 of that article, and had been made because the provision in question ran counter to Act No. 15 of 1959, as amended, which governed issues of nationality. Children of Kuwaiti women married to foreigners acquired Kuwaiti nationality only under special conditions.

4. Regarding Kuwait's reservation to article 16 (f), she said that guardianship in Kuwait was governed by civil law and the law governing the rights of individuals stemming from the Islamic Shariah, which did not permit the system of adoption envisaged under article 16 of the Convention.

5. With reference to the Committee's request that Kuwait should withdraw its reservations, she pointed out that under international treaty law, States parties were allowed to make reservations when acceding to international instruments, unless the instruments contained provisions to the contrary. She briefly described the process through which treaties were incorporated into domestic law, following their

adoption by decree and publication in the Official Gazette.

6. According to the Ministry of Education, a total of 19,504 non-Kuwaiti girls and women were enrolled in the education system, ranging from kindergarten to the upper secondary school levels. With reference to the protection of non-Kuwaitis under the Constitution, she assured the Committee that article 29 of the Kuwaiti Constitution guaranteed equality in regard to human dignity before the law without distinction on grounds of sex, origin, language or religion.

7. In clarifying queries on means of redress available to women, she said the Penal Code characterized all sexual attacks and incitation to prostitution and debauchery as criminal offences and imposed sanctions for such offences. In terms of public and media response to the refusal by the national council to grant political rights to women, she said the issue was still under discussion and further information would be made available in that regard.

8. With respect to questions raised about the lack of an explicit reference to women in the Constitution, she said that the Kuwaiti Constitution guaranteed men and women the enjoyment of equal rights, through the use of the Arabic term that was equivalent to "citizen". The Constitution included general provisions; more detailed provisions were governed by the relevant laws. With regard to women and family life, she stressed that article 9 of the Constitution attached the highest importance to cohesion of the family unit as the basis of society, and that domestic laws therefore sought to strengthen that constitutional provision through the protection of mothers and children.

9. Capital punishment was allowed under the Penal Code and could be invoked for either men or women. However, article 59 of the Code allowed for such punishment to be commuted to life imprisonment in the case of a woman who was pregnant or had given birth to a live child.

10. Turning to concerns raised about the level of awareness of the provisions of article 6 of the Convention, she said that prostitution in all its manifestations was considered a prohibited act. She quoted articles 200 to 204 of the Penal Code, which imposed penalties for conducting activities promoting prostitution, deriving income from prostitution and distributing pornographic material.

11. **Ms. Nazar** (Kuwait) said that Kuwaiti law did not contain any specific provisions governing so-called crimes of honour. However, a number of articles of the Penal Code No. 16 of 1960 (as amended) addressed the issue of crimes committed on the pretext of protecting an individual's reputation. For instance, article 153 provided that anyone who killed their wife, daughter, mother or sister on account of having caught them *in flagrante delicto* with a man other than their husband would be punished by up to three years' imprisonment and/or a fine of up to 3,000 rupees. Article 195 provided that any married person who had consensual sexual relations with a person other than their spouse would be punished by up to 5 years' imprisonment and/or a fine of 5,000 rupees. She pointed out that legal proceedings in respect of adultery could be halted by the spouse of the alleged adulterer.

12. As far as additional measures to prevent violence against women were concerned, she informed the Committee that the provisions of the Penal Code No. 16 of 1960 (as amended) were the only measures in that area.

13. Turning to questions raised under article 7 of the Convention, she said that there were currently about 416,000 Kuwaiti women and 240,000 non-Kuwaiti women employed in the public service. The laws governing the diplomatic and consular corps did not prohibit women from taking up posts in that particular field and, consequently, there were a number of female diplomats working in Kuwaiti embassies throughout the world.

14. With regard to the existence of political parties in Kuwait, she said that the right of association was enshrined in article 43 of the Constitution but that it was forbidden to force anyone to join an association or syndicate. Therefore, since the Constitution neither encouraged nor prohibited the formation of political parties, they could be created if necessary.

15. Although a number of women were employed as lawyers in Kuwait, there were currently no female members of the judiciary. However, that situation could change in the future.

16. Moving on to the participation of women in the police force, she said that Decree No. 221/2001 had provided for the establishment of a corps within the Ministry of the Interior composed entirely of women, who were classified as employees of the police force. As far as the armed forces were concerned, article 6 of

Ministerial Decree No. 13 of 1998 provided that any Kuwaiti or non-Kuwaiti citizen who enlisted voluntarily could serve in the armed forces of Kuwait, but article 18 of the same Decree provided that women were not able to enlist voluntarily, unless such a ban on female enlistment was incompatible with the march of progress. Nevertheless, pursuant to Ministerial Decree No. 48 of 1998, a number of women had been permitted to take up employment with the armed forces in order to carry out work that was in keeping with their status as females, namely, administrative duties. The lack of provision for, inter alia, maternity leave in the regulations governing employment with the armed forces had meant that the recruitment of women had been suspended, and a request from the Military Committee for an amendment to the 1967 Law on the Armed Forces in order to rectify the situation was currently under review.

17. As far as women's involvement in informal employment was concerned, in 2002 about 50,000 women had been informally employed in the private sector as compared to some 106,000 in the public sector. The report mentioned a number of institutions in which, pursuant to Ministerial Decree No. 58 of 1985, women were permitted to work at night, inter alia, in pharmacies and hotels. The nature of those sectors meant that female employees were necessary since clients were of both genders. Employers were obliged to provide transportation for women working at night.

18. In response to a question about the wage gap between women and men, she pointed out that, in accordance with article 27 of the Private Sector Employment Act No. 38 of 1964, female and male employees were entitled to equal remuneration for equal work.

19. Turning to the questions raised under article 9 of the Convention, she said that the Nationality Act No. 15 of 1959, as amended, governed the right to nationality for all Kuwaiti citizens. Obtaining and retaining Kuwaiti nationality depended on surrendering any other nationality and on not having committed any of the offences mentioned in article 13 of the Act.

20. **Ms. Al-Turkait** (Kuwait) said that a Kuwaiti woman did not have the right to confer her nationality on her children, unless she gave birth to a child whose father's nationality was unknown. It was possible, however, for women who had previously relinquished

their Kuwait nationality to reacquire it. The Nationality Act provided for the grant of nationality on the basis of blood ties rather than residence. Accordingly, foreign nationals could acquire Kuwaiti nationality only through marriage to a citizen of Kuwait. She could confirm that many Kuwaiti nationals were married to foreigners, but was unable to provide any exact statistics. Married women in Kuwait did not need their husband's permission in order to work, bring a case before a court or manage their own property. Single women were also free to carry out those activities.

21. Turning to the subject of education, she said that the provisions of the Compulsory Education Act were not applicable to non-Kuwaiti citizens on account of the linguistic obstacles. Nevertheless, the State provided free education for all non-Kuwaiti Government employees and there were a number of private schools that catered for the needs of cultural minorities.

22. With reference to table 2 on page 49 of the report, the figures for 1996/97 divided teaching staff by gender and by faculty. The English headings "first class" and "second class" should read "first semester" and "second semester". She acknowledged that the majority of university-level educators were male, but figures for the 2003-2004 school year showed that, of a total of 23,522 school teachers, about 19,000 were women. School textbooks painted a very positive picture of Kuwaiti women: they were described as having the same rights and obligations as men and were shown to play a valuable role in society.

23. With regard to the separation of the sexes, the Ministry of Education was encouraging women to become teachers at the primary level, where they would teach boys. As for Kuwaiti students studying abroad, she cited the example of the United States, where 1,102 men and 352 women were studying. In the area of sport, women had the right to participate and to have their own clubs and teams, and Kuwait had sent mixed teams to international competitions.

24. Turning to the area of health, she said that various articles of the Constitution guaranteed equal health care for all citizens, including foreign residents and workers. The Government had a constitutional obligation to ensure public health and prevention and treatment of disease; medical facilities were open to all residents. Women were entitled to specialized care for gender-related conditions such as pregnancy and

specialized care was available for children. In response to a request for statistics on specific medical conditions, she said that currently 1,134 women, both citizens and foreigners, were suffering from contagious diseases, 12 women were suffering from HIV/AIDS and there were no cases of female genital mutilation.

25. With regard to marriage and divorce, a girl had to be at least 15 and a boy 17 in order to marry. In cases where the girl had not yet reached the age for marriage, she could be married with her father's permission. Violence against women in the family was condemned by the Koran and was in fact penalized by law. In accordance with Islamic law, the waiting period for divorce was two years in order to give the parties an opportunity to reconcile or to ensure that the woman was not pregnant. A waiting period was also imposed when, for example, a man wished to marry his wife's sister. Under the Civil Code, either partner could request divorce if it was impossible to continue in the marriage or if there was some major failing on the part of either partner; in such cases divorce would be granted if there was mutual consent. A woman also had the right to request dissolution of the marriage if the man was not providing adequate support to the family.

26. **Ms. Schöpp Schilling** said that, in accordance with the Committee's guidelines, the next report should include an evaluation of the impact on women's situation of the State party's reservations, for example with regard to the nationality of children, especially in the light of the large foreign population in Kuwait. The Nationality Act was complex and should be reviewed, which should lead to a lifting of the State parties' reservation to article 9, paragraph 2 of the Convention. The Government should also continue its legal efforts to ensure women's right to vote and hold public office and should lift its reservation to article 7 (a) of the Convention.

27. **Ms. Šimonovic** reiterated her question concerning who had prepared the State party's report, what the procedure had been and whether non-governmental organizations and other stakeholders had been involved. If the Convention, once incorporated in domestic law, had the same status as the Constitution, she wondered what would happen if there were inconsistencies between the provisions of the Convention and the Constitution. The State party's reservation to article 7 (a) and denial of women's right to vote and hold public office appeared to violate constitutional guarantees of equal rights for men and

women. She asked whether the Government had considered requesting that the Constitutional Court review that situation.

28. **Ms. Morvai** wondered how the report and the delegation's dialogue with the Committee would be followed up. That dialogue should help convince the Kuwait Parliament to give women the vote so that Kuwait could benefit from the talent, educational level and spirit of Kuwaiti women. She hoped that the State party's next delegation would include women members of parliament.

29. **Ms. Belmihoub-Zerdani** said that if the Constitution gave women equal status with men in regard to holding public office and if women were free to form associations of public benefit, she wondered why women had not formed political parties. She stressed that Kuwaiti women should have the right to vote, stand for office and form political parties.

30. **Ms. Nazar** (Kuwait) said that government bodies, including numerous ministries, as well as non-governmental organizations had been involved in preparing her delegation's report. With regard to requests for additional statistics and information, she said that her delegation's New York office would transmit to the Committee whatever detailed statistics were available.

31. The Kuwaiti Constitution was not incompatible with the Convention, but each society had its own culture, traditions and values. Kuwait was trying to implement the Convention without creating conflict with Shariah law. A report would be prepared comparing the Constitution and the Convention to prove that there was no conflict between the provisions of those two instruments.

32. She confirmed that the Constitution granted men and women equal political rights, and, while there had been government initiatives in that regard, they had not as yet borne fruit. She pointed out that there were numerous associations of public benefit, including women's associations. Currently there was no political party for women, but such a party would be possible if its statutes were judged by the Government to be within the law. She was certain that the Kuwaiti Parliament would continue its efforts to strengthen the role of women and ensure full political rights for Kuwaiti women and that Kuwaiti women would continue to increase their representation at the national and international levels. She too hoped that the next

delegation would include women members of parliament.

33. **The Chairperson** said the Committee looked forward to concrete demonstrations of a real political will on the part of Kuwait to fully implement the Convention and eliminate both de facto and de jure discrimination against women. Noting the wide scope of articles 2 and 5 of the Convention, she said that, in addition to legislative measures, every effort must be made to internalize the principles of the Convention, and called for a public awareness campaign to educate civil society, government workers, lawmakers and the judiciary on the issue of women's rights. Measures already under way, including the granting of voting rights to women, should be strengthened in cooperation with civil society and non-governmental organizations. In that context, she hoped the next report would be prepared in close consultation with civil society. The next report should also include comprehensive sex-disaggregated statistics on the situation of women in Kuwait, both citizens and non-citizens.

34. While recognizing the sovereign right of States to make reservations to international instruments, she said that States normally ratified those instruments with a view to eventually implementing their provisions in their entirety. She therefore urged the State party to consider withdrawing its reservation to article 7 (a), to amend its law on voting and public office rights for women accordingly and to likewise withdraw its reservations to articles 9, paragraph 2, and 16 (f) of the Convention. She also called on the State party to ratify the Optional Protocol to the Convention as well as the amendment to article 20, paragraph 1.

35. The specific recommendations of the Committee would be contained in the Committee's concluding comments, which would be transmitted to the delegation. She hoped those comments would be widely disseminated and would provide a basis for the State party's efforts to implement the Convention. She thanked the delegation for its constructive dialogue with the Committee and said she looked forward to the consideration of the combined third and fourth periodic reports of Kuwait in 2007.

The meeting rose at 5.15 p.m.