



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
4 September 2024

Original: English

Committee on the Elimination of Discrimination against Women Eighty-eighth session

Summary record of the 2072nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 21 May 2024, at 3 p.m.

Chair: Ms. Peláez Narváez

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The meeting was called to order at 3 p.m.

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

Sixth periodic report of Kuwait (continued) (CEDAW/C/KWT/6; CEDAW/C/KWT/Q/6; CEDAW/C/KWT/RQ/6)

1. *At the invitation of the Chair, the delegation of Kuwait joined the meeting.*

Article 7–9

2. **A representative of Kuwait**, resuming his delegation's replies to the questions raised at the previous meeting, said that a clear difference should be maintained between stateless persons and illegal residents. Illegal residents referred to individuals who had entered the country surreptitiously and concealed their identity documents in order to settle in Kuwait. The non-accession of Kuwait to the Convention relating to the Status of Stateless Persons was therefore not relevant to the treatment of illegal residents since they were not covered by its provisions. Unlike stateless persons, illegal residents were legally required to regularize their situation. Since the creation of the central agency responsible for resolving the status of those residents, the situation of more than 10,000 people had been regularized.

3. **A representative of Kuwait** said that a road map had been drawn up to address the situation regarding illegal residents. The central agency, established pursuant to Decree No. 467 (2010), coordinated with State authorities to ensure that illegal residents had access to a range of essential services, such as health care and education, on an equal footing with Kuwaiti residents. The central agency worked with other State agencies to secure employment for illegal residents in the public and private sectors. By the end of 2023, more than 3,000 persons had been employed in the public sector, close to 1,000 in the private sector and approximately 5,000 in the military.

Articles 10–14

4. **A representative of Kuwait** said that education at all levels was provided without discrimination and had been free of charge since 1965. Educational services were available to persons with disabilities, and some persons with disabilities had been integrated into mainstream schooling. More than 21,000 students who were illegal residents had been enrolled in State-run schools, while a further 14,500 had been enrolled in private schools for the academic year 2023/24.

5. The number of girls in education at all levels surpassed the number of boys, and female students had entered fields such as engineering and medicine at university level. Efforts were being made to highlight the role of Kuwaiti women in a wide range of sectors, such as medicine. Schools had been equipped with state-of-the-art technology to assist with teaching and to better prepare students for meeting the needs of the labour market.

6. **A representative of Kuwait** said that Kuwait had ratified the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and annual reports were produced on the implementation of its provisions. Act No. 68 (2015) on domestic workers prohibited any discrimination against domestic workers based on characteristics such as age, sex, origin or ethnicity. Ministerial Decision No. 177 (2021) prohibited sexual harassment in the workplace and all forms of discrimination. All cases of discrimination were reported to the State authorities.

7. Ministerial Decision No. 1196 (2023) had established a social pay rise and maternity pay rise for women working in the private sector whose husband was deceased or unable to work to support their children. There had been 76 female beneficiaries so far.

8. Steps had been taken to extend the protection of Act No. 6 (2010) concerning labour in the private sector, to female workers. Since 2018, the oil and petrochemical industries had been included as sectors in which women were permitted to work.

9. Female domestic workers were protected by laws regulating relations between employers and employees. Complaint and investigation mechanisms were available in the

case of legal disputes. Pamphlets had been printed in seven different languages and campaigns had been organized to raise awareness of the rights and duties of migrant workers and employers.

10. The Public Workforce Authority had established a complaints hotline for migrant workers and signed a memorandum of understanding with the national human rights institution to protect the rights of workers in Kuwait by providing them with the necessary legal support, informing them about their rights and conducting outreach activities to increase awareness among local communities.

11. A two-year training course had been delivered to 169 labour inspectors to enable them to monitor the full implementation of labour legislation and other regulations protecting workers. The Government was working towards ratifying further international instruments that related to the rights of domestic workers. Shelters had been made available for domestic workers who had fled from their employers.

12. **Ms. Gbedemah** said that she would be grateful if the State party could elaborate on the reasons behind the significant discrepancy between the number of men and women in tertiary education. She wished to know what monitoring mechanisms were in place to ensure that boys and girls in single-sex schools received the same education, and how the State party ensured a successful exchange of ideas, collaboration and communication between students in mixed-sex schools, regardless of gender or social status. She also wondered why the Convention had not been incorporated into the curriculum.

13. She would like to confirm whether migrant domestic workers had access to education. It would be useful to have information on the subjects studied and the success and completion rates at night schools. She wondered whether the Government had considered introducing temporary special measures to counter horizontal segregation and what steps were being taken to ensure that women benefitted from the efforts made by the Ministry of Education to align educational outcomes with the needs of the labour market, in particular the petrochemical industry.

14. **Ms. Akizuki** said that she would welcome disaggregated data on the effectiveness of the State party's labour legislation relating to women. In the absence of such data, she would encourage the State party to collect disaggregated data so that it might evaluate the effectiveness of its policies and identify any gaps in the legal protection afforded to female workers.

15. **Ms. de Silva de Alwis** said that she hoped that the State party would continue to support and protect the rights of Afghan women who were in transit through the country as they fled security threats in Afghanistan.

16. **Ms. Haidar** said that she would like to know whether labour inspectors were allowed to inspect the conditions under which domestic workers worked, in view of the fact that they worked in the private sphere. What measures were taken to give domestic workers a sense that they were safe and protected, as they remained among the most vulnerable foreign workers in Kuwait?

17. **A representative of Kuwait** said that boys and girls followed the same school curriculum, whether in State-run or private, single-sex or mixed-sex schools.

18. **A representative of Kuwait** said that domestic workers could file a complaint in person, via their embassy, via charitable organizations or via the hotline. There was a directorate responsible for monitoring domestic work and overseeing the implementation of the relevant provisions of the law on domestic workers in order to protect them from all forms of violence. Employment agencies were inspected to ensure that contracts were valid and legal and that the agencies held copies of employment contracts for domestic workers.

19. Inspectors were mandated to enforce administrative measures and to sanction individuals or agencies who violated the law. They cooperated with the Ministry of the Interior in cases of offences involving domestic workers, for example if a domestic worker had been subjected to violence. Inspectors also worked with the Ministry of Justice and the courts to investigate cases and prosecute employers or recruitment agencies, in line with the law.

20. **A representative of Kuwait** said that his Government had always responded to requests for assistance and had convened and attended a number of donor conferences benefitting countries that had faced tragedies or catastrophes. His delegation would provide the data and further information requested by the Committee in writing.

21. **Ms. Tisheva** said that she would like to know when the State party intended to take steps to permit abortion on grounds other than the ones set out in Act No. 70 (2020), and to remove, as a minimum, the requirement for the father and a medical committee to consent to an abortion. She would welcome an indication of the timeline for the decriminalization of abortion in cases of extramarital pregnancies, with a view to eliminating the risk to women's lives and ensuring that all women and adolescent girls had access to safe abortion and post-abortion services. She wondered when the State party planned to fully decriminalize abortion and uphold the principles of equality and autonomy for women concerning their free decisions and choices about their reproductive rights, as the Convention required.

22. She would be grateful for further information on progress made with regard to guaranteeing migrants' access to health-care services. It would be interesting to hear how the State party ensured that all migrant women, including stateless and undocumented migrant women and girls, had full and affordable access to comprehensive health care, including during pregnancy and postnatal care.

23. **Ms. Eghobamien-Mshelia** said that, while the Committee appreciated the efforts made to advance the position of women in society and in the economy, it was concerned about reports of a lack of financial independence among certain categories of women and about gender disparities in wealth distribution. How did the Government ensure that social protection services were designed to address intersecting forms of discrimination? She would welcome data on the proportion of beneficiaries of social assistance who were women from vulnerable groups, including persons with disabilities, followers of the Baha'i faith, older persons, single heads of families, widows, Bidoon persons, refugees, migrants and domestic workers, and information on measures to combat discrimination in service delivery and to achieve equal access to social benefits for all categories of women. It would be helpful to hear about the available safety nets for migrant women workers, for instance when they were unemployed or between jobs, and the amount of social protection services made available to vulnerable groups of non-citizens.

24. Further information on the number of women on sports governance bodies, the number of female competitions organized annually and the percentage of the overall budget allocation for sports that was spent on women's and girls' activities would be appreciated.

25. She would also appreciate more information on gender-sensitive budgets in Kuwait, including any gains made or outcomes recorded. She wished to know what steps the State party was taking to mobilize the private sector to adopt special temporary measures. It would be helpful to have an account of the policies, regulations, incentives and penalties in place to increase accountability for business and human rights and women's empowerment principles, especially with regard to public-private partnerships and environmental, social and governance projects in vital sectors such as energy, the digital economy, climate mitigation and agriculture.

26. It would be useful to the Committee to learn the proportion of members of corporate boards of directors who were female. The Committee wished to know whether non-Kuwaiti women and unmarried women had access to credit on the same footing as men and what approaches had been adopted to overcome gender stereotypes, to reduce bureaucratic obstacles to credit and to provide access to gender-specific start-up and scale-up funds and venture capital. Had the Government considered assigning a component of the sovereign wealth fund to support women's economic empowerment for future generations?

27. **A representative of Kuwait** said that pregnancy and abortion were regulated by Act No. 70 (2020) and that the same conditions applied in the event of pregnancy within or outside the family context. Under that law, abortion could be performed at public or private hospitals only in specific circumstances, for instance to save the life of the mother or to avoid serious harm to the mother's health or serious fetal impairment, and only with the written consent of the parents and of a medical committee. In other cases, abortion was criminalized

for both married and unmarried women, so as to protect the fetus' right to life, in accordance with the International Covenant on Civil and Political Rights.

28. **A representative of Kuwait** said that one of the objectives of Kuwait Vision 2035 was the establishment of a just social security network, without any discrimination. According to the latest available statistics, State social assistance amounted to some \$750 million a year, benefiting about 40,000 people, 80 per cent of whom were women. The law governing that assistance was subject to periodic amendments, with a view to empowering women socially and economically. There was no discrimination in the selection of beneficiaries in the granting of bank loans and credits.

29. **A representative of Kuwait** said that Kuwait Vision 2035 included policies in support of women in sports and that the country had hosted a number of regional and international competitions. Over 30 Kuwaiti women had recently taken part in the Asian games and a Kuwaiti woman had been awarded a silver medal. Kuwaiti women had participated in over 60 competitions in the previous four years.

30. **A representative of Kuwait** said that the law on disability covered all aspects of the life of persons with disabilities and provided them with the conditions required for a dignified life and full freedom, without any discrimination based on gender. Pregnant women with disabilities were entitled to maternity leave with full pay, and all employees with disabilities received numerous benefits, including end-of-service bonuses, education and housing subsidies and monthly allowances. Shelters and rehabilitation centres provided persons with disabilities with educational and health services and ensured that they were protected from mistreatment and that their best interests were defended.

31. **A representative of Kuwait** said that migrant workers in Kuwait held contracts and were entitled to health care, without any discrimination. All employers were obliged to provide for their employees' health care and to protect their dignity, without discrimination on any basis. Female domestic workers were provided with health care for a nominal fee. The Ministry of Health provided residents of shelters for newly arrived workers with health care and vaccinations free of charge. There was no discrimination between the treatment of patients with HIV/AIDS, including domestic workers, on the basis of their status as citizens or non-citizens. Migrant workers who left the country were entitled to continue to receive free treatment upon their return to Kuwait.

32. **Ms. Eghobamien-Mshelia** said that the Committee would like to find out what percentage of the 40,000 beneficiaries of social assistance were non-citizens and what proportion of the membership of boards of directors, for instance of consumer cooperative associations, were women. She wished to know whether temporary special measures were used in relation to public procurement contracts, especially for major projects, and what percentage of those contracts were awarded to women as compared to men.

33. **Ms. Haidar** said that, notwithstanding the fact that fees for access to health care were very low, even a nominal fee, if applied only to certain groups, resulted in a perception of discrimination and should perhaps be eliminated.

34. **Ms. Tisheva** said that she would like the delegation to confirm that, in respect of access to abortion, unmarried women received the same treatment as married women. Noting that the law specified the need for consent in order to proceed with an abortion, she asked how such consent was secured when unmarried women opted for abortions, or in cases of pregnancy resulting from rape.

35. **A representative of Kuwait** said that, for women workers, the nominal fee of approximately \$17 for gaining access to health care was not borne by the workers but by the employers. In any case, a failure to pay the fee would not result in a refusal of treatment, as the costs were then covered by public benefit associations in collaboration with the Ministry of Health.

36. **A representative of Kuwait** said that, among the 40,000 beneficiaries of social assistance, some 80 per cent of whom were women, there were a number of those who had married non-Kuwaiti citizens. Such assistance was provided to families in need regardless of nationality. Statistics on the numbers and proportions of non-Kuwaiti women receiving benefits and women on boards of directors would be sent in writing.

37. **A representative of Kuwait** said that rape was defined as non-consensual sexual intercourse and was penalized under the Criminal Code.

38. **A representative of Kuwait** said that rape victims could not be subject to criminal prosecution for abortion, but the abortion itself remained a criminal act under the law. Studies were currently under way in the Ministry of Justice to determine whether rape victims should have the right to undergo an abortion.

39. **Ms. Akia** said that she would be interested in hearing about any commitments made by the State party to the loss and damage fund established by the Conference of the Parties to the United Nations Framework Convention on Climate Change. The effects of climate change were felt particularly strongly by women in vulnerable groups and by migrant workers who were engaged in outdoor work in construction and agriculture. The Committee had received information that women were not involved in decision-making relating to climate change on an equal footing with men. She would like to know what concrete measures the State party took to increase financing and improve budgeting to prepare women to adapt to climate change and to ensure that women took part in climate change and disaster risk reduction decisions, and what steps the Government took to collect and make available the relevant data and information to guide its own policy and help key stakeholders develop and implement climate change adaptation legislation, policies and activities to support women.

40. According to some reports, Bidoon women faced discrimination in gaining access to social services, documentation and access to employment and education. Had the Government adopted measures to ensure that they could fully enjoy their rights?

41. The Committee had been informed that some 1,800 asylum-seekers, refugees and other persons of concern to the Office of the United Nations High Commissioner for Refugees were present in the country, mainly from Somalia, Iraq and the Syrian Arab Republic. It had also learned that the Kuwaiti Government had applied an entry ban, which was apparently still in force, on persons from eight countries, most of which were countries of origin of refugees. She wondered whether Kuwait intended to take action on the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees and to establish a specific legal framework to protect the basic rights of refugees and asylum-seekers, including women, and grant them access to basic services.

Articles 15 and 16

42. **Ms. Morsy** said that, as only Kuwaiti nationals were entitled to own property in Kuwait, Kuwaiti women whose children were non-citizens were currently unable to transfer their property to them. She wondered whether the State party would consider amending Act No. 51 (1984) on personal status, with regard to the terms of inheritance. She would like to know what steps the Government had taken to guarantee that Kuwaiti women had the same rights as men in freely choosing a spouse. Had the State party taken any steps to prohibit or discourage polygamy?

43. Information on the ongoing review of Act No. 124 (2019) on personal status, which also regulated matters related to marriage, divorce, alimony, custody, inheritance, births, endowments and inheritance, would be welcome. She would be interested to know, for example, whether the State party would amend the law to ensure that divorce could only take place before a court in the presence of both parties. Details of any efforts to remove discriminatory provisions regarding guardianship of children would also be welcome, such as those that required divorced women wishing to travel with their children to obtain the consent of the father or that granted child custody to divorced mothers only if they did not marry another man. Noting that the minimum age for marriage was as low as 15 years, she pointed out that in most Muslim countries the minimum age was 18 years for both sexes. Did the authorities have any plans to raise the minimum age for marriage? The Committee had received information that women faced obstacles in obtaining their inheritance based on the personal status law. Was a refusal to hand over to an heir his or her lawful share of the inheritance subject to any legal penalties?

44. **A representative of Kuwait** said that Kuwait was generally not a destination country for asylum-seekers and migrants. There was currently no legislation governing refugee status.

However, the legislature endeavoured to develop laws to deal with new matters as they arose. The entry ban on nationals of certain countries was a matter of internal policy. A review was being conducted to determine whether Kuwait should take action on the Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees.

45. **A representative of Kuwait** said that, while women generally were disproportionately affected by the impact of climate change, that was not the case in Kuwait, where they had access to university education and were fully empowered. Education contributed to combating climate change and was compulsory for all Kuwaiti citizens between the ages of 6 and 14 years. Girls accounted for over 60 per cent of secondary school graduates. According to statistics published by the United Nations Development Programme for 2018, over 54 per cent of Kuwaiti women entered higher education. Women had accounted for 30 per cent of the members of the negotiating delegation of the State of Kuwait to the twenty-eighth Conference of the Parties to the United Nations Framework Convention on Climate Change.

46. **A representative of Kuwait** said that women and men in irregular situations enjoyed the same rights and privileges. In the labour market, for instance, more women than men were employed in the public sector. Women and men in irregular situations also had access to the same educational opportunities, as shown by the fact that more such women than men were pursuing formal education at all levels of the education system. As of 2021, the total number of persons in irregular situations in Kuwait stood at about 90,000, although the exact number fluctuated in accordance with cross-border movements of people and the number of births and deaths among migrant communities.

47. **A representative of Kuwait** said that the Constitution provided that private property was inviolable and no one could be prevented from disposing of his or her property except within the limits of the law. The transfer of women's property to their non-Kuwaiti children was regulated by the law on foreign ownership of property. That was a matter in which sovereign legal systems differed between countries. All national laws, including laws on property and inheritance, were currently subject to review in accordance with the requirements of legislative reform and the State's commitment to the protection of human rights. The inheritance rights of Muslims were governed by sharia law while those of non-Muslims were subject to separate legislation. Inheritance rights in Kuwait were in line with international standards. Both Muslim and non-Muslim women enjoyed full inheritance rights and could bring proceedings before a court if those rights were violated.

48. **A representative of Kuwait** said that the principle of the best interests of the child prevailed in any decision concerning the guardianship or custody of children. The law governing guardianship and custody was based on sharia law and applied only to Muslims.

49. The Government acknowledged that it was necessary to reform human rights legislation and was conscious of the challenges that that process would entail. Legal reforms must be undertaken gradually, taking into account the culture and traditions of Kuwait, the nature of family relations in the country, and the links between culture, tradition and the Islamic faith. The first stage in the process would involve raising awareness of the need for reforming the law and changing societal attitudes towards the issues concerned.

50. **A representative of Kuwait** said that the Government had set up specialized units responsible for family matters that protected and upheld women's rights. Advisory offices and directorates in the different governorates provided family counselling services, which could also be accessed via a hotline. The Ministry of Justice had established a family fund that provided loans to divorced or widowed women in line with court rulings. As of December 2023, the fund had disbursed around 4.6 million Kuwaiti dinars.

51. **A representative of Kuwait** said that marriage, divorce and marital relations were regulated by the personal status law, which was based on sharia law. In divorce proceedings, men and women enjoyed equal rights under the law.

52. **A representative of Kuwait** said that polygamous marriages were governed by the personal status law, although the provisions regulating such marriages were applicable only to Muslims. Counselling was provided to all persons who wished to enter into marriage. People entered into polygamous marriages of their own free will.

53. The Government had established family courts that ruled on all matters relating to marriage, divorce and child custody. There was no charge for bringing proceedings before family courts. The custody of children was normally awarded to women. The Ministry of Justice was undertaking a study to determine whether the minimum age for marriage should be raised. If a woman wished to enter into marriage without a guardian, she could apply to the courts for authorization to marry.

54. **Ms. Akia** said that she wished to know whether the State party might consider ensuring that women accounted for at least 50 per cent of the members of decision-making bodies working in the field of climate change. She would be interested to know whether the Government supported the loss and damage fund established at the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

55. **Ms. Haidar** said that she wished to know whether the Government would consider establishing a dialogue with religious and traditional leaders to explore ways of protecting and promoting women's rights while respecting Islamic law and national traditions. In so doing, it might wish to bear in mind that national traditions and Islamic law were not necessarily in conflict with the Convention, which had now been ratified by 57 Muslim-majority countries.

56. **A representative of Kuwait** said that men and women were equally involved in efforts to combat climate change. The Government was fully committed to sharia law and to ensuring the freedoms that were an integral part of that law. It was taking numerous measures to promote and protect human rights in general, and the rights of women in particular, provided that they did not conflict with the principles of sharia law, the Constitution, or the cultural identity, customs and traditions of Kuwait.

The meeting rose at 4.50 p.m.