



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

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**Committee on the Elimination of Discrimination
against Women**
Sixty-eighth session

Summary record of the 1545th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 1 November 2017, at 3 p.m.

Chair: Ms. Leinarte

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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)*

Fifth periodic report of Kuwait (continued) (CEDAW/C/KWT/5; CEDAW/C/KWT/Q/5 and CEDAW/C/KWT/Q/5/Add.1)

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

Articles 10 to 14 (continued)

2. **Mr. Alghunaim** (Kuwait) said that the women working in the Ministry of Foreign Affairs included the Undersecretary for Economic Affairs, who had previously served as the ambassador in Belgium, and the Undersecretary for the Americas, who had served as the ambassador in Chile, Peru and other Latin American countries. In addition, there were many women diplomats in New York, Geneva and other cities.

3. **Ms. Alhemdan** (Kuwait) said that the State party was taking steps to eliminate all stereotypes from the school curriculum and to promote a culture of sharing and equal responsibility. Textbooks emphasized the role played by women in the fields of literature, culture, economics and politics. The curricula for the Arabic language, religion and social science, among other subjects, also highlighted the role played by women. The persons responsible for drawing up the curriculum were predominantly women. The curriculum was standardized for all schools and all girls and boys sat the same examinations.

4. In recent years, the number of girls and women aged between 15 and 19 years who married had fallen by 90 per cent. For that reason, the question of whether young married women were required to study at evening schools had become less important. Pupils at day schools and evening schools sat the same examinations.

5. There was no particular reason why more boys attended private schools than State schools. The number of women teachers had increased as the demand for teachers had increased and because women were known to have a good understanding of young children.

6. Women who sought admission to higher education establishments did not face any discrimination. A policy on admissions had been established with a view to bridging gaps in the workforce. Statistics for the years 2013/14 indicated that women outnumbered men in higher education and that more women than men graduated from higher education establishments.

7. **Ms. Alkazi** (Kuwait) said that women accounted for over 70 per cent of students in the faculties of medicine and architecture, over 80 per cent of students studying engineering and dentistry and 90 per cent of students studying information technology and other technical subjects. There were more female than male doctors in Kuwait.

8. **Ms. Alshehab** (Kuwait) said that the law prohibited employers from dismissing pregnant women or women who had recently given birth. Under article 41 of Act No. 6 of 2010, anyone who was arbitrarily dismissed was entitled to compensation for material and moral damages.

9. **Ms. Almutairi** (Kuwait), noting that 31 per cent of the Kuwaiti population were non-nationals, said that 90 per cent of the workforce in the private sector were men. Among Kuwaitis, men made up 49 per cent of employees in the private sector, and women 51 per cent. In the public sector, 57 per cent of employees were women, while 43 per cent were men. The medium-term development plan (2015/16-2019/20) contained measures intended to reduce the country's dependence on migrant workers and adjust the demographic structure.

10. **Mr. Almuhanha** (Kuwait) said that the Government had always taken issues affecting domestic workers very seriously. The Domestic Workers Act No. 68 of 2015, which complied with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), had been adopted accordingly. In accordance with article 21

of the Act, employers were prohibited from employing domestic workers who were under the age of 21 or over the age of 60 years.

11. The Act also provided for financial penalties to be imposed on employers who withheld all or part of a domestic worker's wage. Deductions for food and housing could not be taken from wages, employers were required to pay for domestic workers' health care, working days could not exceed eight hours and domestic workers were required to be given time for rest at the weekend and to receive paid annual leave. Under article 12 of the Act, employers were prohibited from confiscating domestic workers' passports and travel documents and were required to pay compensation if they violated that provision.

12. All complaints filed by domestic workers had to be examined within one month and domestic workers who filed complaints were not required to pay legal fees. The Domestic Workers Act required employers to provide employees with contracts in Arabic and English and prohibited them from abusing domestic workers, assigning them hazardous tasks or subjecting them to forced labour. Domestic workers who had ended their service were entitled to one month's pay for every year worked.

13. Abuse directed at domestic workers was prohibited under the Criminal Code. In 2016, a Kuwaiti citizen who had tortured an employee had been fined and jailed for 3 years, following a judgment issued by the Court of Cassation.

14. **Mr. Alghunaim** (Kuwait) said that, in its report on its mission to Kuwait ([A/HRC/35/29/Add.2](#)), the Human Rights Council Working Group on the issue of discrimination against women in law and in practice had welcomed the adoption of the Act, which had marked considerable progress in terms of providing legal protection for domestic workers, and had commended the role of the Constitutional Court in defending the constitutional guarantee of equality. The Working Group had further noted that Kuwaiti women enjoyed relative freedom of movement and could travel abroad without a male relative, following a 2009 Constitutional Court ruling against the requirement in the Passport Act of 1962 that a husband must agree to his wife's request for a passport.

15. **Ms. Gbedemah** said that it was still not clear whether married girls and women at evening schools studied the same curriculum as pupils in day schools and whether the education of a married girl or woman studying at evening school would be inferior to that of her husband.

16. She asked whether the relatively high proportion of boys studying at private schools resulted in disparities in the quality of the education received by boys and girls. The fact that twice as many girls as boys attended school raised the question of what boys were doing when they were not attending school. She wished to know whether boys who left school early to enter the oil industry subsequently barred the way into the profession, forcing girls to find work in other areas.

17. The Committee would welcome further information on the subjects studied by men and women in higher education and on the proportion of women teachers in higher education establishments.

18. Lastly, she said that it was still not clear why girls but not boys were required to learn about the Arabic language and culture and respect for family life.

19. **Mr. Bergby** said that he wished to commend the Government for its adoption of the Domestic Workers Act. Noting that the Act was in line with the State party's obligations under international conventions, he asked what obstacles were preventing the State party from ratifying ILO Convention No. 189.

20. He asked whether the provision on equal wages contained in article 26 of Act No. 6 of 2010 provided that an equal wage should be paid for an equal job or for a job of equal value.

21. The fact that most women did not want to work in the oil sector should not dissuade those women who did want to work in it. The argument that women needed to be protected against conditions associated with certain sectors could be seen as discriminatory.

22. **Ms. Gabr** said that statements to the effect that Kuwaiti women preferred not to work in certain industries should be avoided. Women should be free to choose any kind of training or employment.
23. When it came to consider the question of abortion, the State party should take account of the experience of other countries in the region that permitted abortion in cases involving incest and rape. The State party should also consider the psychological trauma that might be suffered by mothers or by children conceived as the result of an abusive act or relationship.
24. In view of the fact that the State party had adopted various new pieces of pioneering legislation, the Committee invited it to implement the Committee's general recommendation No. 33 on access to justice.
25. The State party should make every effort to implement the Domestic Workers Act and ensure that domestic workers were aware of their rights under the Act.
26. **Mr. Alghunaim** (Kuwait) said that there were fewer boys than girls in school because boys could opt to join the army, work in the private sector or work abroad. As girls had fewer opportunities than boys, they were more likely to remain in education.
27. The question of whether a boy went to a private school or a State school depended on his family's resources. Boys were taught to treat women in accordance with the tenets of Islam.
28. The Government was collaborating with ILO and was making progress towards the ratification of ILO Convention No. 189.
29. Women were free to work in the oil sector, as shown by the fact that the Kuwaiti delegate to the Organization of the Petroleum Exporting Countries was a woman. Women were prevented from working only in certain areas of the oil industry, such as drilling, where the very high temperatures made the work unsuitable for women. That said, when the oil wells had been set alight during the invasion of Kuwait in the 1990s, the teams who had extinguished the fires had been headed by a woman in a high-ranking position in the oil industry.
30. **Ms. Alhemdan** (Kuwait) said that pupils who were unable to continue studying at school had the option of studying at home and sitting the same examinations as students who attended school. Although both boys and girls learned about morals and values, there might be some variation in the activities that they undertook and the examples that teachers gave them. The fact that there were fewer boys than girls in school could partly be explained by the fact that boys had the option of undertaking vocational training.
31. **Ms. Alkazi** (Kuwait) said that an increasing number of girls were attending private schools. More women than men attended university, as women were more ambitious and understood that a university education was necessary for obtaining a good job. Labour force statistics reflected women's greater interest in pursuing higher education. Some 30 per cent of the female workforce held university degrees, as against only 15 per cent of the male workforce. Women and men enjoyed equal opportunities in higher education. Since 2009, women who moved abroad in order to study had had the option of bringing their husbands with them.
32. A number of women had studied chemical engineering and entered the oil industry. Over 15 per cent of leadership positions within that industry were occupied by women.
33. **Ms. Alshehab** (Kuwait) said that article 26 of the Labour Act provided for equal pay for equal work, and the minimum wage was the same for men and women. Social security entitlements were, however, higher for men, since they were the main breadwinners.
34. **Ms. Verges** said that the social security system reportedly treated women differently from men. For instance, women who outlived their husbands were entitled to just half of their husband's pension, yet widowers received their deceased wife's full entitlement. If that was the case, she wondered what measures were being taken to eradicate that type of discrimination.

35. She wondered at the lack of gender-neutral language in Act No. 12 (2011), on public assistance for families, which would suggest that there was a clear difference in the treatment of men and women. Were there any plans to amend the Act?

36. She would be interested to know the extent to which women could gain access to credit, since no data had been provided in that regard. Lastly, she invited the delegation to comment on reports that women's participation in sports and leisure activities was limited, owing to restrictions on which sports clubs they could join.

37. **Ms. Nadaraia** said that she wished to know whether the State party had any plans to sign the 1951 Convention relating to the Status of Refugees or its 1967 Protocol relating to the Status of Refugees, so as to meet more adequately the needs of refugees and asylum seekers, including women, many of whom were unable to obtain legal residence in the country, take on formal employment or gain access to basic services.

38. There were reports that, in the absence of mental health legislation regulating the admission, treatment and confinement of mental health patients, the country's mental health hospital was effectively being used as a temporary detention centre. Family members were seemingly able to bypass the need for tests to determine whether hospitalization was necessary or even in the patient's interests. She therefore wondered what steps were being taken to adopt comprehensive mental-health legislation in line with World Health Organization standards. Lastly, she noted the Government's commitment to deepening its relationships with civil society and asked whether that included women's organizations and what resources had been allocated to foster increased cooperation.

39. **Mr. Alghunaim** (Kuwait) said that the Kuwaiti social security system was one of the best in the world. Moreover, it was complemented by the practice of zakat, a charitable tax made under Islamic law that was used to provide support to persons in need, without discrimination. Furthermore, unemployed women aged 50 years and over received a monthly benefit equivalent to US\$ 2,000, in addition to any other benefits to which they were entitled.

40. The protection of refugees did not start and end with the ratification of international conventions: it was important to take into account the key role taken on by Kuwait in the international arena. Kuwait worked in close cooperation with the Office of the United Nations High Commissioner for Refugees and provided assistance not only within Kuwait but also worldwide, wherever it was needed. It had recently co-hosted a conference on the current Rohingya crisis in Myanmar and had organized several others on the plight of Syrian refugees. Many Syrian, Yemeni and Palestinian refugees had sought refuge in Kuwait, where they had been welcomed and were being supported.

41. **Mr. Mohammad** (Kuwait) said that, pursuant to article 11 of the Constitution, all citizens were guaranteed access to social assistance. As for any differential treatment of women and men, of the 48,000 beneficiaries of a monthly social benefit, 37,000 were women. Some 14 categories of person were entitled to State assistance, including widows, divorcees and the wives of detainees. In respect of leisure activities, free classes were available for women wishing to take up handicrafts, such as sewing and carpentry, or to learn about income-generating activities. Lastly, a number of women occupied high-ranking positions in Kuwaiti sports committees and competed as elite athletes at the international level. Sporting events and other activities were also organized in cooperation with civil society.

42. **Ms. Alqattan** (Kuwait) said that the mental health bill was being finalized and would soon be adopted by the National Assembly. Allegations of violations of patients' right should be reported to the Ministry of the Interior, which would investigate and make recommendations. For instance, patients could be moved to a facility where they felt safer and could seek psychological assistance. The mental health hospital accepted patients who needed medical treatment. Since there was a shortage of beds, patients requiring other types of support, such as psychosocial counselling, were better served by other facilities, including shelters.

43. Membership of the board of directors of sports clubs was open to all and, in many cases, women board members outnumbered men.

44. **Ms. Alshaiji** (Kuwait) said, regarding access to credit, that banks were private enterprises and thus the Government did not have data on recipients of loans. However, anyone could apply for private finance, regardless of gender. A government-owned credit bank provided access to housing loans, at favourable rates of interest, for which women and men were equally entitled to apply. Business loans were also available and many women had benefited from funding to help them launch their own enterprises.

45. **Mr. Mohammad** (Kuwait) said that efforts to increase cooperation with civil society included the provision of funding for both new and existing organizations, including those representing women. Work was also under way to equip a building with office space that civil society could use.

46. **Ms. Verges** said that, although she was grateful for the delegation's replies, her query regarding discriminatory practices within the social security system and the lack of gender-neutral language in Act No. 12 (2011) had not been addressed.

47. **Mr. Alghunaim** (Kuwait) said that he would make enquiries concerning any discriminatory practices in respect of survivors' pensions. The comment regarding gender-neutral language would be taken into consideration.

Articles 15 and 16

48. **Ms. Jahan**, while commending the State party for the legislative and policy measures taken to promote gender equality, said that certain discriminatory laws and practices were still in force, particularly in the area of marriage and family relations. In that connection, she would urge the State party to consider withdrawing its reservation to article 16 (1) (f) of the Convention, which, in the Committee's view, was incompatible with the object and purpose of the Convention, and would encourage a public dialogue and cooperation with civil society to facilitate that goal. It was regrettable that the Committee's previous recommendations ([CEDAW/C/KWT/CO/3-4](#)) on women's rights in marriage and family relations had yet to be implemented. She was concerned that the Personal Status Act enforced de jure and de facto discrimination against women, in particular in terms of their rights to inheritance, marriage and divorce, and polygamy. For example, the consent of her guardian was required before a Sunni woman could marry; there were limited circumstances in which women could initiate divorce proceedings, while men faced no restrictions; and the guardianship of a child was automatically awarded to the father. Many countries had amended similar legislation, taking account of the best interests of the child, which meant, in many cases, staying with the mother.

49. The report noted that in 2015 there had been no registered cases of marriage of girls under the age of 15 years. Over and above the Committee's concern that the legal age for marriage should be 18 years, and notwithstanding the legal obligation to register marriages, it was possible that girls under 15 years were still being married, without registering. It was her understanding that non-registration did not necessarily invalidate the marriage. What safeguards were in place to ensure that women whose marriages were not registered did not subsequently face difficulty in proving marriage and securing their rights? The differential weight given to women's testimony in court could put them at a disadvantage in divorce proceedings and in inheritance disputes. According to Kuwaiti law, women were expected to "obey" their husbands in return for their maintenance. Such legal conceptualization of male hierarchy over women further institutionalized inequality in the family law.

50. The Ministry of Justice had set up a legislative review committee to bring Kuwaiti law into line with international standards. It would be of interest to the Committee to find out whether that body was mandated to review the discriminatory provisions of the Personal Status Act and relevant laws so as to ensure gender equality in all family-related matters and to remove discrepancies in respect of marriage contracts, the prevention of early marriage, inheritance, equal rights upon dissolution of marriage and the prohibition of polygamy, in line with the Committee's general recommendations. Like a number of other States, Kuwait had invoked social, cultural and religious factors to explain the existence of certain discriminatory provisions in its law. The Committee for its part always sought the rejection and ultimate elimination of such discrimination. According to the State party, in formulating the provisions of personal law, the legislature had been directed by an

essentially Islamic perspective, but it could introduce provisions from other sources to keep abreast of the exigencies of natural development over time. She asked whether the Government would be willing, in the light of such exigencies, to embark upon a revision of the personal law's discriminatory provisions, taking into account the experiences and best practices of countries with similar legal systems and backgrounds. Tunisia had recently lifted the prohibition against marriage between Muslim women and non-Muslims and had long ago banned polygamy; Bahrain, after years of debate, had recently adopted a unified personal law. Would the Government encourage a similar public debate to bring about change in Kuwait?

51. **Mr. Alghunaim** (Kuwait) said that it should be recalled that Kuwait's political system placed power in the hands of the parliament and that civil society played an important role, as evidenced by the presence of civil society organizations at the current session. There were some limits that in practice the State could never go beyond, but that was because of the traditions and tenets of the Muslim religion and had nothing to do with any limitation on public discussion. Under the Constitution, Kuwait was an Islamic State. Its strong sense of tradition, conservative society and geographical location near the Islamic Republic of Iran, Saudi Arabia and Iraq placed it in a situation quite different from that of Tunisia, which was physically closer to France or Morocco than to Kuwait. The Government was, however, confident that it could implement positive changes, thanks to the constructive input of the Committee.

52. **Ms. Alshaiji** (Kuwait) said that the Personal Status Act of 1984 was essentially in line with sharia. Women who petitioned for divorce as a result of domestic violence, sexual violence or other harm were considered victims and were assisted in their divorce proceedings. Under the Act, either spouse had the right to request separation in the event of verbally or physically inflicted harm that rendered the continuation of the marriage impossible. In divorce cases, the courts were obliged to work initially for reconciliation, but if that was not possible the courts legally separated the couple and made provision for divorce. The Act went beyond those protections, though, stipulating that marriage must be consensual, that wives were entitled to material support and alimony, that they were not obliged to contribute to furnishing the marital home and that they were entitled to care, housing and other benefits regardless of their own personal wealth. Under the law, custody of a child was awarded to the mother. The Gulf Coordination Council had commended Kuwait for the adoption in 2015 of a law that had set up family courts in each of the country's governorates. The same law governed issuance of birth certificates, questions related to custody, alimony and other administrative issues. The rights of women were protected by a number of laws, not just the Personal Status Act.

53. The legislative review committee focused on any gaps or shortcomings in legislative bills during drafting or laws after adoption so as to address any shortcomings. The committee included senior judges, jurists and lawyers.

54. **Ms. Abdulrahman** (Kuwait) said that in 2015 female representatives of non-governmental organizations (NGOs) had joined the legislative review committee. The Personal Status Act specifically addressed questions related to family and personal status, but the Act could not be at variance with sharia, whose status as the source of Kuwaiti legislation was recognized under the Constitution. The law specifically stipulated that marriages must be contracted with due attention to the compatibility of the couple in terms of legal marriageable age and that marriage must be consensual. Contracts of marriage could not be authenticated unless the wife was over 15 years of age and the husband over 17. Statistics indicated that fewer marriages were recently being contracted with wives between 15 and 19 years of age, and in 2016 no marriages had been registered involving wives under 15. Women were entitled to petition for divorce in the event of injury or harm at the hands of their husbands but also in the event of a failure by the husband to cover the wife's living expenses. Under sharia, women could seek divorce directly on various grounds. The Personal Status Act established that custody should be awarded to women family members, i.e., the mother, aunt, grandmother, paternal aunt or niece, and only if none was available could custody be awarded to the father. If a matter was not covered by sharia law or Islamic jurisprudence, other sources of law could be invoked, including modern legal codes. The Personal Status Act granted wives channels for ensuring consent,

compatibility and harmony in the marriage; it specifically stipulated that men must be compatible with their wives when a contract of marriage was concluded.

55. **Mr. Alghunaim** (Kuwait) said that, in a parliamentary system, change could not take place rapidly. Laws were passed by parliamentary majorities and it took time to forge agreements.

56. **Ms. Jahan** said that she welcomed the assurance that the issues raised by the Committee were open to debate in Kuwait and hoped that the State party would begin discussions of the Committee's concerns. When it did so, it should refer to best practices in other countries, including the unified personal law in Bahrain. The delegation had mentioned that certain laws had been amended by decisions of the Constitutional Court. It would be preferable to adopt laws at an earlier stage, for example through proactive reviews of legislation. Lastly, she asked how many family courts had been set up in the different governorates, whether their judges received training related to the Convention and whether there were any women judges on those courts.

57. **Ms. Gabr** said that a dialogue was needed within Kuwaiti society and that prompting such a dialogue would require efforts on the part of the Women's Affairs Committee and NGOs. She encouraged the State party to draw on best practices in the region. The Grand Imam of al-Azhar, the most important reference for Sunni doctrine, had recently endorsed legislation prohibiting marriage under the age of 18 years, in accordance with the Convention on the Rights of the Child. The achievements of Bahrain in unifying legislation were worthy of consideration. Kuwait, as a welfare State with a high level of education, should engage in a discussion of implementation of the Convention, specifically paying attention to the Committee's general recommendations Nos. 31, 33 and 35, as suggested at the previous meeting. The wording of the Constitution, which stipulated that sharia "shall be a main source of legislation", placed Kuwait in a more advantageous situation than some other Muslim countries, as it left some leeway for reference to other sources of law.

58. **Ms. Haidar** asked whether the Kuwaiti parliament had a committee specifically responsible for women's rights. In order for change to occur, there must be a group pursuing such interests within the parliament itself. There must also be some dynamic between the parliament, the authorities and civil society. In Lebanon, for example, certain provisions of the Criminal Code relating to honour crimes would never have been revoked without such a concerted effort.

59. **Mr. Alghunaim** (Kuwait) said that the Kuwaiti press and social media provided platforms for ample discussion of topical issues and that, although the pace of change was sometimes slow, the Government did whatever was possible to enable the parliamentary system to operate effectively.

60. **Ms. Abdulrahman** (Kuwait) said that the family courts reviewed cases related to the Personal Status Act and that such courts had been set up in each of the country's governorates.

61. **Ms. Alsawari** (Kuwait) said that there were 22 women judges in the family courts.

62. **Mr. Alghunaim** (Kuwait) said that the delegation was grateful to the Committee and to the Kuwaiti NGOs that had taken part in the Committee's consideration of the State party report. Kuwait placed priority on defending the rights of women and its practices were among the best in the world. The Committee's questions, observations and recommendations would help inform the Government's future actions. Kuwait was determined to implement all the Committee's recommendations through legislative, administrative and other reforms. The defence of human rights and the elimination of discrimination against women were at the very heart of the country's future development.

The meeting rose at 5 p.m.