



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

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

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Replies of Kuwait to the list of issues and questions in
relation to its sixth periodic report****

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



Legislative framework and definition of discrimination against women

Question 1

1. The State of Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women by Royal Decree No. 24 (1994). Treaties ratified by the State of Kuwait become an integral part of national legislation as at the date of their entry into force. All government bodies and institutions and all individuals must therefore abide by their provisions and Kuwaiti courts are responsible for ensuring that those provisions are respected and upheld. That national legal obligation arises from article 70 of the Constitution of the State of Kuwait.

2. The general principle of anti-racism is set forth in article 29 of the Constitution, which enshrines the principles and frameworks of equality, non-discrimination and upholding human dignity. It provides that people are equal in human dignity, that they are equal before the law in public rights and duties, and that there is no discrimination on the basis of gender, origin, language or religion. Article 7 of the Constitution provides that justice, liberty and equality are the pillars of society, and mutual assistance and compassion are the firmest bonds between citizens.

3. In order to promote gender equality, legislation uses inclusive language when referring to persons covered by its provisions, without the slightest trace of discrimination on the basis of gender, colour, religion or even language. Kuwaiti law abides by those principles. For example, Act No. 16 (1960) promulgating the Criminal Code states that the Code is equally applicable to all persons who commit an offence within the territory of Kuwait. The principle of equality also applies to access to public service and employment; freedom to choose one's employment; and the rights to education, health care, movement, residence, choice of place of residence and so on. Article 9 of the Civil Code affirms that women enjoy the same legal capacity as men and stipulates that the legal personality begins at live birth and ends at death. Article 84 provides that any person may enter into a contract unless the law determines that he or she lacks or has diminished capacity.

4. The provisions of the Civil Code are general and abstract and neither distinguish nor discriminate between men and women. Nor do they in any way restrict the legal capacity of women on the grounds of marriage or kinship. A woman who reaches the legal age of majority has all of the legal rights and actions established by the Civil Code and other laws in force. She may manage her wealth, property and private affairs without any restrictions or conditions on her capacity.

5. Litigation before courts of all levels in Kuwait is regulated by Act No. 38 (1980) promulgating the Code of Civil and Commercial Procedure and Act No. 17 (1960) promulgating the Code of Criminal Procedure. The provisions of both of those Codes are equally applicable to all parties, with no distinction between men and women.

6. An initiative to eliminate discrimination and violence against women has been integrated into the Government's programme of work, which also includes implementation measures. The initiative is aimed mainly at promoting certain social behaviours and fostering a culture of gender equality.

7. The Kuwait Institute for Judicial and Legal Studies attaches great importance to the Convention on the Elimination of All Forms of Discrimination against Women when it comes to training on legislative and procedural developments at the national level. However, owing to the global health situation and precautions and preventive measures in the State of Kuwait, the Institute was unable to hold courses for continuous and specialized training in 2020/21. In its basic training curriculum for legal researchers appointed to work as attorneys for the Office of the Public Prosecution, the Institute included human rights material that highlights the

Convention. In cooperation with United Nations specialized agencies, the Institute is in the process of preparing a set of specialized human rights courses for the 2023/2024 training period that address the Convention.

8. The general secretariat of the Supreme Council for Family Affairs, in cooperation with the Institute, has also trained staff who work with domestic violence cases and judicial officers on the Act on protection from domestic violence so that they can monitor the implementation of the Act and its governing regulations and decisions. Those staff may monitor, control and draft documents and submit them to the competent authorities. They must not disclose confidential information obtained through their work about individuals or their families. A number of those courses will be offered to other entities at a later time.

9. As for concrete measures to abolish any discriminatory provisions in national law, including those relating to male guardianship, the rules of male guardianship, as contained in the Personal Status Act, No. 51 (1984), are derived from the provisions and principles of Islamic law.

Withdrawal of reservations and ratification of the Optional Protocol

Question 2

10. Reservation is a right recognized in article 28 of the Convention, which permits States to enter a reservation. Furthermore, it is a matter of sovereignty under general international law, inasmuch as the circumstances and laws of each country should be taken into account in order to facilitate the State's ratification of the Convention. As far as the State of Kuwait is concerned, that reservation continues to be in force.

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

Question 3

11. Since the onset of the coronavirus disease (COVID-19) pandemic, the State of Kuwait has developed strategies and protocols to combat it. The Ministry of Health has worked with various agencies and authorities to implement those strategies and confront pandemic-related crises. Below are some of the strategies adopted to empower women, to involve them in implementing pandemic-related protocols and efforts and to ensure gender equality:

(a) *Protocols for monitoring and detecting infections.* There was gender equality in access to treatment centres upon appearance of symptoms, and swabs and tests were provided without consideration given to gender;

(b) *Quarantine.* Gender equality was ensured during institutional quarantine and in providing necessities such as accommodation and meals;

(c) *Medical isolation of infected persons when admitted to intensive care.* Certain hospitals were set aside for infected persons; special isolation wards were designated for women; field hospitals were set up for men so that women could be given priority at public hospitals in the event of a bed shortage;

(d) *Treatment protocols.* Both sexes had equal access, without discrimination, to the treatments and medications needed for recovery;

(e) *Vaccination.* The Ministry of Health committee responsible for the launch of the COVID-19 vaccination campaign developed a mechanism for determining which groups would be targeted for vaccination in accordance with scientific and prophylactic criteria. The mechanism took into account up-to-date scientific studies and the latest scientific and epidemiological understanding of the disease and how it

spreads and considered which groups were most vulnerable to infection and complications, without discriminating between individuals on the basis of gender. Special vaccination rooms were offered to women for privacy;

(f) *Maternity hospital vaccination rooms.* Scientific studies show that pregnant women are more likely to develop complications as a result of COVID-19 infection. Vaccination rooms were introduced at maternity hospitals to facilitate vaccination of pregnant women and preserve maternal health;

(g) To address the special needs of women, pregnant and lactating women could avail themselves of remote work or reduced workload arrangements during the spread of COVID-19, which allowed them to preserve their health and that of their children;

(h) *Effective participation in strategies to confront the COVID-19 pandemic:* Women have been key partners in all fields and all teams that have implemented preventive health protocols and strategies to address pandemic-related crises in non-health sectors such as food security and education. Gender equality has also been achieved when it comes to the symbolic and tangible appreciation and honouring of the heroic individuals who stood up to the pandemic and its related crises. The Ministry of Health strived to empower women and give them leadership roles in combating the pandemic. Women have held many leadership positions in the field of health, including:

- Assistant Undersecretary for Public Health.
- Six out of seven heads of public health services in health regions.
- Seventy-five per cent of physicians at the Department for Infectious Disease Control.
- Directors of institutional quarantine facilities.
- Technical Director of COVID-19 vaccination centres.
- Head of the random testing team.
- Head of mobile vaccination unit teams.
- Head of the development team for the “Shlonik” smart device application.

Women’s access to justice

Question 4

12. The State of Kuwait adheres to the precepts of the rule of law at the national and international levels because that principle is a fundamental pillar of the preservation of human rights. Kuwaiti legislation is careful to ensure that free access to justice is available to all, citizens and residents alike. The right and freedom to litigate are among the legal guarantees enshrined in the Constitution, without discrimination between men and women. Article 166 provides that people are guaranteed the right to recourse to litigation, and that the law shall determine the procedures and conditions for the exercise of that right. Article 29 stipulates that people are equal in human dignity and equal before the law in public rights and duties, and that there is to be no discrimination on the basis of gender, origin, language or religion.

13. Article 45 of the Constitution provides that any individual may petition the public authorities in writing under his or her signature, and that only duly constituted organizations and legal persons may address the authorities collectively.

14. In keeping with the belief in the right of all persons to litigate, and in particular their right to appeal any law, decree or regulation before the Constitutional Court if it is believed to violate the provisions of the Constitution, Act No. 109 (2014) amending certain provisions of Act No. 14 (1973) establishing the Constitutional Court grants any natural or legal person the right to appeal directly to the Constitutional Court in an original proceeding.

15. Litigation before courts of all levels is regulated by Act No. 38 (1980) promulgating the Code of Civil and Commercial Procedure and Act No. 17 (1960) promulgating the Code of Criminal Procedure. The provisions of both of those Codes are equally applicable to all parties, with no distinction between men and women.

16. According to article 14 of Act No. 17 (1973) on court fees, anyone who is proven unable to pay court fees are to be exempted from all or part of them, provided that there is a possibility that he or she might win the case. In accordance with article 120 of Act No. 17 (1960) promulgating the Code of Criminal Procedure, anyone accused of a felony has the right to appoint a person to defend him or her, and the court must appoint a lawyer to carry out that task if the accused fails to do so.

National machinery for the advancement of women

Question 5

17. Ministerial Decision No. 45/A (2019) concerns the organizational structure of the general secretariat of the Supreme Council for Family Affairs. The work plan of the Supreme Council provides for the following:

- Submission of the implementing regulations of the Act on protection from domestic violence to the Department of Legal Advice and Legislation prior to adoption.
- Adoption of the policy manual, as amended, for the management of protection centres.
- Formation of a working group comprising the relevant authorities to review legislation related to women, the family and children.
- The Council is currently developing a national strategy on the advancement of women in coordination with the Arab Planning Institute.
- Formation of a team, chaired by the Ministry of the Interior and with members drawn from the Supreme Council for Family Affairs, for policymaking on the family, with a view to drafting a comprehensive strategy for all ministries concerned with women, family and children that identifies problems and solutions.
- Coordination is currently underway with the Economic and Social Commission for Western Asia on the formation of a national working group chaired by the Supreme Council for Family Affairs in order to improve the State's gender indicators.
- Visits are currently being arranged for the purpose of learning about and benefiting from the experience of other countries with respect to shelters and protection for victims of domestic violence.
- Launch of a hotline for domestic violence reports.
- Training of staff to handle cases and reports of domestic violence through a certification course that gives them the status of judicial officials, in implementation of the Act on protection from domestic violence.

- Empowering abused women through skill development, in cooperation with the Ministry of Public Affairs and public interest groups. A training programme is underway to provide them with skills that they can use in the labour market, in social activities and in their free time.
- Psychological and social rehabilitation of abused women so that they can meet their challenges and be integrated into society, through courses and discussion groups with concerned authorities and experts.
- Coordination with relevant State ministries (e.g. the Ministry of Health, the Ministry of the Interior, the Social Development Office and the Office of the Public Prosecutor) so that they can join forces to promptly help abused women.
- Adoption of evaluation forms on services provided to abused women in accordance with Act No. 16 (2020), with follow-up on these forms to improve them and evaluate their effectiveness.

18. Both Kuwait Vision 2035 and the country's third development plan for the period 2020–2025 focus on gender equality and the family through:

1. The “creative human capital” pillar and a capacity-building programme for citizens and institutions, which is aimed at developing a skilled and highly qualified workforce, a world-class educational system, a comprehensive and sustainable social welfare system. In addition, the following policies are being implemented:
 - Using advanced methods to develop a national system for workforce skills to support the transition to a knowledge-based economy.
 - Improvements to the national education system, including curricula and teaching skills and methods.
 - Development of early childhood education to improve school readiness.
 - Encouragement of learning in the fields of science, technology, engineering and mathematics to promote a knowledge economy; establishing academic partnerships with reputable international institutions.
 - Support for the social, economic and political inclusion and participation of young people, women, persons with disabilities and older persons.
 - Rebalancing the social protection system and moving towards a sustainable social safety net.
2. The “effective participation in the global community” pillar, which is aimed at promoting leadership in international development and promoting Kuwait as an intellectual, cultural and historical focal point and a centre for conflict resolution and the promotion of peace, through the following development projects:
 - Promoting economic diplomacy.
 - Improving the image of the State of Kuwait as a safe and stable environment.
 - Enhancing the State's role and efforts in the area of human rights.

19. The government programme of work for the current legislative term (2022–2026) is aimed at enabling women to assume 30 per cent of leadership positions, eliminating all forms of discrimination and violence against women and allocating leadership positions according to competence and merit.

20. Kuwait moved up four places in the 2020 Prosperity Index of the British Legatum Institute and now ranks 58th out of 167 countries and fourth among Arab and Gulf countries. The Index measures, inter alia, economic health, enterprise conditions, the investment environment and governance, education, health, safety and security, personal freedom, social capital, and the natural environment.

National human rights institution

Question 6

21. Article 2 of the Act under which the National Bureau for Human Rights was set up states that an independent office called the National Bureau for Human Rights is to be established under the supervision of the Council of Ministers. The aim of the Bureau is to promote and protect human rights and to disseminate and promote respect for public and private freedoms, in the light of the Constitution and of the international treaties ratified by the State of Kuwait and in a manner that does not conflict with article 2 of the Constitution.

22. The Bureau has legal personality and is independent in the conduct of its functions and duties and in the exercise of its mandate under the Act. Article 6 of the Act states that the Bureau's administrative board is to be vested with certain powers with a view to achieving the objectives of the Bureau; these include drawing up the draft budgets and preparing the final accounts. The National Bureau for Human Rights enjoys independence in preparing reports submitted to international human rights mechanisms and participates in regional and international associations. Annex I sets out information on the number of women and men employed at the Bureau and their functions.

23. The Women's Affairs Committee in the Cabinet has been abolished. The Ministry of Social Affairs is responsible for following up on issues related to women, children and the family through the Supreme Council for Family Affairs.

Temporary special measures

Question 7

24. Article 29 of the Kuwaiti Constitution affirms that people are equal in human dignity and equal before the law in public rights and duties, and that there is to be no discrimination on the basis of gender, origin, language or religion. Kuwaiti women clearly receive attention, care and support from the State when it comes to accessing all of their rights. They are empowered in all fields, and hold ministerial, leadership, diplomatic, judicial and military positions. Women also head governmental and private sector entities. Women participate in public State policymaking as Cabinet Ministers and hold leadership and executive positions in all government institutions involved in policymaking. This demonstrates that access to appointments and staff positions is based not on gender, but on functional competence.

Stereotypes

Question 8

25. Many programmes to eliminate discriminatory stereotypes are included within the action plan of the Supreme Council for Family Affairs. Data on domestic violence is being consolidated, with the concerned authorities receiving reports in order to

study the causes and prevalence of violence and to analyse factors leading to increases in violence against women. A committee has been formed to review all legislation related to women, children and the family to identify any legislative deficiencies or discrimination against women. Emphasis has been placed on the role of the media in confronting stereotypes against women and promoting certain kinds of social behaviour. Owing to the importance of the media, a working group of experts and influencers has been formed.

26. In order to address discriminatory stereotypes, the Ministry of Information organizes awareness programmes to highlight efforts to eliminate all forms of discrimination against women, with participation from relevant experts. Educational video clips are produced that depict women in a positive light and highlight their importance at all levels of society. In addition, efforts have been made to standardize media discourse to eliminate all forms of discrimination against women. To that end, all resources are being mobilized to develop an integrated strategy with various parties.

27. Activities and seminars on the rights and the positive social role of women receive the necessary news coverage. Through reports on events such as International Women's Day, the media highlighted the efforts made in New York by the Minister of Social Affairs and Community Development and Minister of State for Women and Childhood Affairs, Mai Al-Baghli, as part of the work of the sixty-seventh session of the Commission on the Status of Women.

28. The political role of women has been enhanced. Social forums have been used to highlight women's political rights, especially during parliamentary election season. Documentaries on women role models highlight their many career achievements in a variety of areas. Reports related to women's affairs include the following:

- Reports highlighting the role of women and State support for women's empowerment in all areas are broadcast as part of regular programmes, such as The World This Morning, and during news bulletins. Programmes also feature experts who discuss the role of women, how to improve their status and involve them in State activities and the achievement of gender equality.
- The media covered a special event organized by the stock exchange, entitled "Ringing the trading session opening bell for International Women's Day to raise awareness of women's economic and commercial empowerment".
- The media reported on a seminar held by the United Nations House in Mishref on the theme "women's economic empowerment in the country: a fundamental objective of the development agenda".
- The media reported on International Women's Day celebrations held by the Ministry of Social Affairs and Labour.
- A news report from Manama, Bahrain, covered the selection of Kuwait as a member of the bureau of the Forum of Women Parliamentarians of the Inter-Parliamentary Union, representing the Arab region.
- The media covered a special celebration at the Kuwait Union of Women's Associations on the theme of the significant roles played by women in the economy and in sustainable development.

29. Ministry of Information radio programmes are broadcast on all stations. They highlight the role of women in supporting men within the family and in society, counteract the marginalization of women and their achievements in all areas and raise public awareness of the importance of combating hate speech against women, especially on social media platforms.

30. Women face no discrimination when it comes to producing, directing or presenting broadcast media programmes. In addition, efforts have been stepped up to produce live programmes related to women's affairs, including the following:

- Ta' al-Ta'nith: a radio programme that highlights women's issues and concerns. Its women presenters discuss efforts to empower women and counter discrimination.
- Good Morning: a programme on the local and international press. It identifies, examines and criticizes the negative social aspects of discrimination against and marginalization of women.
- Greetings: this programme provides a platform for dialogue on the role of women in society, with participation from listeners of both genders. Guest experts also join the discussions.
- Afternoon Break: each episode of this popular programme hosts a social, religious or cultural figure and experts, who discuss contemporary issues, with a focus on women's issues and achievements to raise awareness of their important role in the family and society.
- Legal Stations: this programme deals with the legal aspects of discussion topics such as crime and violence against women, and the legal consequences for perpetrators.
- Coexistence Kuwait: a religious programme concerned with the inculcation of religious ethics with a view to promoting peaceful coexistence in Kuwaiti society and community participation, especially among women, given their important role in the family and society. The programme calls for the rejection of all hate speech, discrimination and ideological extremism. In addition, many episodes feature live and recorded studio discussions (daily and weekly) on discrimination against women, focusing on the topics of family, potential for change, ideological moderation, proper behaviour and the aspirations of young people.
- Educational video clips and radio reports raise awareness among listeners of discrimination and violence against women and the consequent societal harm and serious legal ramifications.
- Involvement is sought from clubs and charitable societies concerned with women's issues and women's empowerment (such as the Women's Cultural Society, the Girls' Club and the Women's Institute for Development and Peace).

Harmful practices

Question 9

31. The State of Kuwait has adopted specific legislation criminalizing female genital mutilation. The right to physical integrity is a right established and protected by Kuwaiti law. Article 160 of the Criminal Code stipulates that anyone who strikes, injures, causes bodily harm to or violates the physical integrity of another person in a significant manner shall be punished by a term of up to two years' imprisonment. Article 162 stipulates that anyone who causes harm leading to permanent disability shall be punished by imprisonment for a period not exceeding 10 years. Article 3 of Act No. 21 (2015) on the rights of the child provides that children have the right to prevention of and protection from all forms of harm. Article 6 obliges the State to take all effective measures to abolish practices harmful to the health of a child.

32. Article 23 of Act No. 70 (2020), concerning the practice of medical and associated professions, patients' rights and health facilities, stipulates that all

surgeries and medical interventions are subject to conditions, controls and standards set by the Minister, through a decision if necessary, after consulting the heads of the competent government departments. The article requires that, in all cases, informed consent be obtained from the patient in accordance with articles 10–12 of the Act.

33. Female genital mutilation, whether or not it results in injury or harm to a female body or any violation of physical integrity, is punished pursuant to the aforementioned provisions as an open-ended crime wherein harm is not limited to one body part only and regardless of the means by which the harm is carried out. In accordance with the above-mentioned provisions, the punishment varies depending on the criminal act's gravity and result. Regarding the prevalence of the crime of female genital mutilation, the practice does not exist in the State of Kuwait.

34. The Personal Status Act of the State of Kuwait makes mechanisms available to the wife to enable her to verify the man's suitability and age appropriateness. Under article 34 of the Act, the validity of a marriage is conditional on the man's compatibility with the woman at the time of conclusion of the marriage contract, and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36, age commensurability between the spouses is regarded as an exclusive right of the wife.

35. In addition, as of recently, marriage candidates are required to undergo a medical examination to verify that neither of them has any physical or psychological condition that would constitute an impediment to the union. This takes place in accordance with the provisions of Act No. 31 (2008) on premarital medical examinations in the State of Kuwait.

Gender-based violence against women

Question 10

36. The Supreme Council for Family Affairs has formed an expert working group to review all legislation relating to women, children and the family emanating from the National Committee for Protection against Domestic Violence. It includes the competent authorities and civil society institutions. National law guarantees the protection of women and criminalizes all forms of violence against them. The Kuwaiti Criminal Code, No. 16 (1960), as amended, contains articles criminalizing violence in all its forms, as follows:

- Article 160 stipulates that anyone who strikes, injures, causes bodily harm to or violates the physical integrity of another person in a significant manner shall be punished by a term of up to two years' imprisonment and/or a fine of up to 150 Kuwaiti dinars.
- Articles 178 to 185 penalize and criminalize abduction, unlawful detention and trafficking in persons.
- Article 186 stipulates that any person who has sexual intercourse with a female without her consent, whether by coercion, threat or deception, is to be punished by death or life imprisonment.
- Criminal legislation has taken care to extend the scope of legal protection to cover women who have mental impairments, who are under the age of 15 or who lack volition. Article 187 of the Criminal Code provides that anyone who has sexual intercourse with female without using coercion, threat or deceit but knowing her to have a mental impairment, to be under the age of 15 or to lack volition for any other reason, or knowing that she does not comprehend the nature of the act or that she believes it to be legitimate, shall be liable to life imprisonment. Similar provisions are set forth in article 191.

- With regard to domestic violence, which some married women may experience, article 126 of the Personal Status Act, No. 51 (1984), gives both spouses the right and freedom to seek a court ruling of separation on grounds of harm. It provides that either spouse, before or after consummation of the marriage, can demand a separation by pleading verbal or physical harm perpetrated by the other.

37. Act No. 16 (2020) on protection from domestic violence was promulgated to establish a protection framework for all members of the family and to preserve the stability of the family. The Act, in article 1 (1), defines the family and, in article 1 (2), defines domestic violence as any form of physical, psychological, sexual or financial mistreatment – be it by act or by omission or by threat thereof – committed by one family member against another member or members, exceeding the bounds of his or her legal responsibility, in accordance with the acts and offences stipulated in national legislation. Article 5 of the Act provides for the establishment of shelters for victims of domestic violence. Article 8 provides that anyone subjected to violence by a family member may submit a report to either the relevant department or the competent investigative body. Under article 10, the submitter of the report enjoys legal protection, confidentiality and anonymity unless judicial proceedings require otherwise. In accordance with article 6, all communications, correspondence and procedures related to domestic violence cases heard by any competent body, including the courts, are to be held in strict confidentiality.

38. Further protection for victims of domestic violence is provided for by article 17, which provides that, in the event of a serious threat to the life, health or safety of the victim of violence, an emergency protection order may be granted. Article 20 provides that anyone who violates a protection order is to be punished by imprisonment or a fine. Article 22 provides that the Office of the Public Prosecutor has the competence to investigate, handle and prosecute all crimes provided for under the Act. It may initiate criminal proceedings for domestic violence crimes in accordance with article 9 of the Act on the basis of a communication from any person or entity.

39. With regard to article 182 of the Criminal Code, No. 16 (1960), on permitting marriage of a girl in cases of abduction, it should be noted that this article does not compel her to marry. In such cases, the law requires the consent of the guardian for marriage. Moreover, under the Personal Status Act (1984), the consent of the woman is required in all cases for marriage. Articles 28 and 29 require the consent of the guardian and the ward for early marriage.

40. Here, it should be noted that the marriage of the kidnapper and victim does not necessarily preclude criminal punishment. For a penalty not to be imposed in such a case, Kuwaiti law requires that the guardian of the bride must request that the perpetrator not be punished. That means that if the marriage goes through but the guardian of the bride does not request that the penalty not be imposed on the kidnapper, the latter is punished in accordance with the Kuwaiti Criminal Code, No. 16 (1960), articles 178–183.

41. Article 153 of the Criminal Code provides that anyone who surprises his wife in the act of adultery, or surprises his daughter, mother or sister in the act of intercourse with a man, and kills her, the man, or both of them, is to be punished with imprisonment for no more than three years and/or a fine of up to 225 Kuwaiti dinars.

42. This penalty is applied in accordance with legal guidelines and pursuant to rulings of the Kuwaiti Court of Cassation. That Court has ruled that leniency in such cases is exceptional and can be applied in this instance only to the husband, father, son or brother. It is required that the offender surprised the man and the offender's mother, sister or daughter in the act of adultery or sexual intercourse; that the surprise was simultaneous with the actual moment of the act; and that the homicide was carried

out immediately. That is, the catching of the individuals in the act, the resulting agitation and the commission of the homicide must be simultaneous. If the homicide is committed after the individuals were caught in the act, during which time the perpetrator calmed down, he may not take advantage of that mitigating circumstance, as he carried out cold-blooded revenge and not a spur-of-the moment act prompted by psychological shock.

43. It is understood from article 153 of the Criminal Code and from Court of Cassation rulings in that regard that the mitigating excuse is based on the loss of rationality and the psychological impact of the agitation at the time of commission of the crime, as evidenced by the fact that the law attaches many conditions to that particular application of leniency.

44. Article 29 of the Criminal Code stipulates that an act does not constitute a crime if it is committed for the purpose of discipline by a person entitled by law to do so, provided that said person acts within the set limits and carries out the act solely for correctional purposes. The right to discipline provided in that article is not an absolute right that is beyond rationales and social interests and rules. Rather, the exercise of that right requires that the interest of society and legal rules be taken into consideration, as follows:

(a) Rationale for leniency: the public's interest in the family and, by extension, in society means that certain family members have authority over others. That authority entails the right to punish those who defy it.

(b) Controls on the right to discipline:

(i) A disciplinary or correctional act may not be carried out for some other purpose. If a disciplinary act leaves a physical mark, even minor abrasions, or is done for a non-disciplinary purpose, the perpetrator is to be held criminally liable.

(ii) There are limits to disciplinary methods. Beating for disciplinary purposes must be light; if it is excessive, it is not permissible.

(iii) Discipline is prescribed exclusively for certain persons.

(iv) The law prohibits discipline by means of corporal punishment at State educational institutions.

45. Under Kuwaiti law, the death penalty is subject to a number of procedural safeguards. It is imposed only for the most serious crimes against the security, interest and stability of society. We should like to point out that the death penalty in the State of Kuwait is conditional on a final judicial ruling issued by a competent substantive court after numerous legal measures have been taken to ensure a fair and conclusive trial. Article 6, paragraph 1 of the International Covenant on Civil and Political Rights states that every human being has the inherent right to life. Paragraph 2 states that, in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

46. In full conformity with article 6, paragraph 2 of the International Covenant on Civil and Political Rights, the death penalty in the State of Kuwait is imposed or implemented for the most serious crimes only and is pursuant to numerous legal procedures and safeguards, including the requirement that a final legal ruling be rendered by a competent national court,

47. The death penalty was carried out on 16 November 2022 against six persons, including two women (a Kuwaiti and an Ethiopian), who had been found guilty of premeditated murder.

Question 11

48. The Kuwaiti Criminal Code criminalizes more than one crime involving sexual intercourse with females. Some involve consent and others lack of consent. Those involving lack of consent are of two kinds. One is the crime of intercourse with a female by force, threat or deception. The other is the crime of intercourse with a female without force, threat or deception. Article 186 provides that anyone who has intercourse with a female without her consent by using force, threat or deception shall be punished by death or life imprisonment. Article 188 provides that anyone who has intercourse without using force, threat or deception with a female between the ages of 15 and 21 shall be punished by imprisonment for a period not to exceed 15 years.

49. Article 186 of the Code clearly attaches importance to the consent of the victim. It provides for a penalty of death or life imprisonment. The penalty in article 188 is limited to imprisonment for a period not to exceed 15 years. The difference between the two crimes is the presence or lack of force, threat or deception.

50. With regard to the question about the meaning of the term “sexual intercourse” in article 186, the Arabic term used in your question, “*ittisal*”, is not the term used in the Code, which is “*muwaqa‘ah*”. The law does not define explicitly what is meant by the act of *muwaqa‘ah* done to a woman. However, jurisprudence and judicial precedent interpret the act of *muwaqa‘ah* done to a female as the natural act of *wata’* done by a man to a female. The crime does not occur if *muwaqa‘ah* does not occur. However, the act might amount to the crime of indecent assault.

51. With regard to marital rape, we note that matters relating to marital intimacy depend on the Personal Status Code promulgated by Act No. 51 (1984). That Code derives its rules from the provisions and principles of the munificent Islamic sharia, which do not allow for criminalization of marital intimacy without the consent of the other party. There is nothing in the Code to preclude criminalization of acts of violence and assault committed in the context of licit sexual intimacy between spouses.

Question 12

52. The Supreme Council for Family Affairs is working to complete final procedures for activating the hotline. For the time being, the Supreme Council for Family Affairs provides assistance and protection to victims by receiving reports of domestic violence through official electronic channels from the Ministry of Health, the Office of the Public Prosecutor, the Department of Community Policing at the Ministry of Interior, and civil society organizations.

53. With regard to the number of shelters for victims of domestic violence that have been established, we note that the Fanar counselling centre and shelter was established pursuant to Article 5 of Act No. 16 (2020) concerning protection from domestic violence. That centre now has 20 staff. Annex 2 shows the number of cases taken in by the Fanar shelter.

54. The shelter is operated in cooperation with several bodies. The Ministry of Interior secures the building and its interior to protect residents in case of emergency around the clock. The Ministry of Health provides health services for residents. They are checked to make sure they are disease-free, and medications are provided by primary care facilities. The Child Protection Centre and the Manarah Centre for Children provide services. Follow-up is done with the Social Development Office to

ensure the psychological stability of cases and try to integrate them into society. The shelter provides transportation services for its residents to travel to the workplace, receive health or educational services, or appear at government offices. Nutritional meals are provided. Legal counselling is offered in cooperation with civil society organizations (the lawyers association), and volunteer lawyers are provided to follow up on cases of domestic violence. Efforts are made to find jobs and training if called for.

Trafficking and exploitation for prostitution

Question 13

55. Training programmes are held regularly for judicial and law enforcement personnel on early identification and referral of trafficking victims to appropriate services. In 2021, two training sessions on the national referral system were held jointly by the standing national committee for implementation of the national strategy to prevent human trafficking and migrant smuggling, the General Secretariat of the Supreme Council for Planning and Development, and the International Organization for Migration (IOM).

56. As for the legal framework regulating prostitution, there is basically no legal framework regulating prostitution. The Criminal Code criminalizes acts of prostitution in articles 180, 200, 201, 202, 203 and 204. Abduction for forced prostitution is criminalized, as is incitement or coercion to commit acts of debauchery or prostitution, or running houses of debauchery or prostitution. Anyone, man or woman, who has ever been in receipt of the earnings of a person practicing debauchery or prostitution is subject to penalty. Public incitement to debauchery and prostitution is also criminalized. The statistical data are as follows:

57. In 2020, there were 83 complaints registered, 17 referred to the courts, and 20 adjudicated. There were 114 convictions handed down against 57 defendants, of whom 25 were citizens and 32 residents.

58. In 2021, there were 2 complaints registered and 11 adjudicated. There were 111 convictions handed down against 53 defendants, of whom 17 were citizens and 36 residents.

59. In 2022, there were 16 complaints registered and 1 adjudicated. There were 3 convictions handed down.

60. Measures taken by the State of Kuwait to address the conditions of domestic workers and provide care and legal protection are ongoing. The State of Kuwait has issued many laws and ministerial decisions to regulate domestic labour. The most recent was the Domestic Workers Act, No. 68 (2015), which regulates the relationship between employer and worker and the rights and duties set forth in employment contracts, with the goal of guaranteeing workers their rights and improving their conditions by putting in place rules that ensure that they receive their wages, have access to health care and work suitable hours.

61. The Domestic Workers Act, No. 68 (2015), its implementing regulations, and Ministerial Decision No. 2302 (2016) on rules and procedures for implementing the provisions of the aforementioned act are in line with international standards and the provisions of the Domestic Workers Convention, 2011, No. 189. The following are provided for:

- Child labour is prohibited. It is prohibited to recruit domestic workers under 21 or over 60. The penalty for violation is imprisonment (articles 21–29 of the Domestic Workers Act).

- The Domestic Workers Act and its implementing regulations set forth a range of guarantees relating to the wages of domestic workers (articles 19, 20 and 27).
- Employers are prohibited from withholding a domestic worker's passport (article 12).
- Employers are required to conclude a recruitment contract written in Arabic and English and abide by it (article 18).
- An employer may not violate a worker physically or psychologically or assign them hazardous work (article 10).

Equal participation in political and public life

Question 14

62. The State of Kuwait is committed to empowering women and supporting their access to leadership positions. The current Government includes two female ministers, namely the Minister of Public Works and the Minister of Social Affairs and Women and Children's Affairs. There are two women ambassadors among Ministry of Foreign Affairs staff working in foreign missions. There are 132 women members of the diplomatic corps and 15 women members of the judicial corps.

Nationality

Question 15

63. There is no difference between Kuwaiti men and Kuwaiti women in procedures for acquiring, changing or retaining nationality. With regard to conferring it on their children and foreign spouses (the right of Kuwaiti women to transfer nationality to their children), the Kuwaiti Nationality Act sets forth the essential principle that Kuwaiti nationality is acquired by blood; it is handed down from father to child. Children therefore have the nationality of their father. Kuwaiti legislation provides for the case of divorced or widowed Kuwaiti women who had foreign spouses but are no longer married. The Nationality Act, article 5, paragraph 2, provides the case of a person born of a Kuwait mother who maintains residence through the age of majority and who has a foreign father who is a prisoner, has divorced their mother, or is deceased. In such cases, the Kuwaiti mother is allowed to pass her nationality on to her children.

64. With regard to the right of Kuwaiti women to transfer their citizenship to their husbands, legislation considers that the foreign husband of a Kuwaiti woman already has his own nationality. He is treated in Kuwait on that basis and that there is no need to grant him Kuwaiti nationality. The reason for not approving the conferral of Kuwaiti nationality on the foreign husbands of Kuwaiti women is that they would then be able to pass it on to their children who would transfer it to their own offspring and so on. This is felt to be unnecessary as the husband may not have performed any service for the State that would entitle him to Kuwaiti nationality, which would then be passed down through the generations. It should be noted, moreover, that there are provisions in the Nationality Act that do give such persons the right to obtain Kuwaiti nationality: if they perform some great service on behalf of the State, as provided for in article 5, or if they fulfil the conditions set forth in article 4.

65. We point out that many international human rights organizations constantly confuse two things: (1) stateless persons and (2) illegal residents. According to the 1954 Convention relating to the Status of Stateless Persons, a stateless person is defined as "a person who is not considered as a national by any State under the operation of its law". That is not the case for illegal residents. They entered Kuwait illegally, concealing documents that might have indicated their original nationality,

in order to become established in Kuwait and obtain nationality there. The definition of stateless person under the 1954 and 1961 conventions does not apply to them. The fact that Kuwait has not ratified the Convention has no bearing on their situation because they are not covered by its provisions. Given the preceding, the legal status of these two are completely different. An illegal resident is in violation of Kuwaiti Act No. 17 (1959) concerning foreign residence and must correct their status in the country. That is as opposed to a stateless person with no assigned nationality, who is not required to do so. In view of the preceding, Decree No. 467 (2010) was issued establishing a central agency to address their statuses within legal frameworks. The Cabinet also issued Decision No. 915 at its meeting No. 34/2013 of 1 July 2023 to circulate to all government agencies the requirement to use the official term “unlawful residents” in all correspondence. Their official designation is therefore “unlawful residents”, not stateless persons. Moreover, by searching the records of various State agencies, the nationalities of some of them have been established; these have corrected their statuses and registered under their original nationalities. Annex 3 shows figures on persons who corrected their statuses from 2011 through February 2023.

Education

Question 16

66. The Kuwaiti Constitution guarantees the right of girls to education. Article 40 provides that the State shall guarantee the right to education for all Kuwaitis without discrimination. The State has made efforts to realize and guarantee those rights with social care, legislation and enforcement. The Ministry of Education provides girls with education facilities, foreign exchange study and employment in any place they wish. They have the right to study and choose the specialization they want. The Ministry provides a range of support, whether material or moral, with opportunities to take part in various educational disciplines with a view to helping them enter non-traditional fields in which they have shown distinction, locally, regionally and internationally. The Ministry holds conferences and training seminars. It arranges exchanges and hosts experts to raise society’s awareness of the role of women and women’s institutions and civil society organizations. It provides facilities for continuing education, cultural clubs, illiteracy eradication, and other activities. The Ministry has played a major role in making education socially inclusive. That has helped to steer women towards leadership positions.

67. Women’s rights topics have been incorporated into educational curricula, school activities and educational events, in line with the State’s development plan and global and local developments regarding the role of women and empowering them in all fields in Kuwait. Curricula emphasize the following:

- (a) Recognition of their humanity and appreciation of their place in society;
- (b) Women’s exercise of their rights and the importance of their role in the development of the State;
- (c) Treating violations of women’s rights as violations of human rights.

68. In 2006, the Ministry of Education pushed for a State policy of supporting Kuwaiti women in achieving a qualitative leap by providing maximum support for their access to political rights. They have excelled in economic, political, social and other fields, demonstrating the effect that educational, educational and awareness-raising efforts by the State have had on their role in society.

69. The Ministry of Education supported and took part in the restructuring programme. It proposed effective solutions to link education to the labour market. It has provided support to women to enter that market armed with adequate education

and training. It has motivated and encouraged them to participate on an ongoing basis. Applied education and top-notch university training have played a major role in empowering women in various fields. It is no secret to anyone that Kuwaiti women have held top ministerial posts. They have managed essential divisions of the Ministry of Education. They have served as members of major executive committees, boards of directors and general assemblies. One even held the post of Minister of Education and Higher Education. They have shown through their education, abilities and qualifications the role the State can play in providing support and means of empowerment in education and in various development fields. Women also take part in educational, social, economic and other associations and federations.

70. There are no restrictions on the enrolment of women in specific training programmes.

Question 17

71. The Ministry of Education has incorporated age-appropriate sex education into its educational curricula. The subjects of family education, sex education, reproductive health and women's rights are taught implicitly and explicitly at all educational levels in a manner commensurate with the psychological and cognitive level of learners. Topics taught include the following:

- (a) Sex education topics include:
 - Sexual reproduction (definition/significance), the reproductive systems of men and women, sexually transmitted diseases and immunization, ethics and etiquette related to sexual subjects.
- (b) Reproductive education topics include:
 - Fertilization, pregnancy (fetal membranes, placenta, umbilical cord, childbirth, lactation, in-vitro fertilization, genetic material, sex-related traits, human genetics, genetic engineering).
 - The Ministry provides girls with awareness-raising and education on their rights, attention to health and personal hygiene, and their right to seek assistance in managing their affairs through agencies established for that purpose by the State.

72. We do not have rural or remote groups. We do not have disadvantaged groups. Education is inclusive. It is a right mandated by the State and enjoyed by all without discrimination.

Employment

Question 18

73. Article 89 of the Personal Status Code, [No. 15 (1983)], provides that "it shall not be an act of marital disobedience for the wife to leave the home for a legitimate reason, or for permissible work, unless her work is contrary to the interest of the family". Clearly, that provision protects against the diminution of women's rights as enshrined in the Constitution and reinforces their freedom. The proviso "unless her work is contrary to the interest of the family" is intended to limit harm and make sure the provision is in the interest of all, not just one person.

74. The text of that provision is clarified in the explanatory note to the Personal Status Code, which states as follows: "This article was drafted based on customary practice. It was noted that if reasons arise that make the wife's continued employment incompatible with the overall interests of the family, then for the wife to leave the home to work is considered an act of marital disobedience". It is thereby explained

that the text of the article is intended to protect the family as a whole, as stated in the explanatory note, and realize the interest of all rather than just that of one person. It affirms the importance of family in a manner that does not trample or marginalize women's rights. The provision elevates the importance of the family and society. The Constitution of the State of Kuwait, article 9, states: "The family is the basis of society. Its foundations are religion, morals and love of country. The law shall preserve its integrity, strengthen its bond and protect motherhood and childhood under its aegis".

75. With regard to the steps taken to prohibit and criminalize sexual harassment in the workplace, the Criminal Code does not explicitly provide for such criminalization. It only criminalizes the acts of incitement to debauchery mentioned above in articles 200–204, and non-public indecent acts that do not rise to the level of indecent assault under article 199. Article 4 of Act No. 63 (2015) concerning combating information technology crimes prohibits incitement to commit acts of prostitution or debauchery using the Internet or by means of information technology. The Minister of Commerce and Industry, which oversees the Public Workforce Authority, issued Ministerial Decision No. 177 (2021) concerning prohibition of hiring discrimination in the private sector and prohibition of sexual harassment in the workplace.

76. The State of Kuwait has taken a range of measures to promote gender equality in the workplace. This is in line with the Constitution of the State of Kuwait, article 29, which states: "People shall be equal in human dignity and equal before the law in public rights and duties, without discrimination on the basis of sex, origin, language or religion". Article 41 states: "Every Kuwaiti shall have the right to work and to choose their type of work. Work is the duty of every citizen, as dictated by dignity and required by the public good. The State shall provide work for citizens and ensure that its conditions are equitable". It is on that basis that numerous national laws have been enacted to ensure and protect women's rights. They include the Private Sector Labour Code, Act No. 6 (2010). Article 1, paragraph 3, of that Act defines a worker as "any male or female who performs manual or intellectual labour for an employer under their management and supervision for wages". The Act devotes an entire paragraph to women's employment. It includes legislative coverage to ensure women's empowerment. Article 26 provides that "a working woman shall receive the same wage as a man if she performs the same work". There is therefore equality between working women and men. They receive the same wage for the same work without any discrimination.

77. The State of Kuwait has ratified the ILO Equal Remuneration Convention, 1951 (No. 111). That demonstrates its commitment to de jure and de facto application of human rights principles and values, including non-discrimination. It is committed to implementing that Convention's provisions, and sends in the annual implementation follow-up reports. The Private Sector Labour Code, Act No. 6 (2010), and amendments thereto, chapter IV, devotes an entire section to regulating wages to realize complete equality among workers in all fields of work. Article 48 of that Code provides that a worker may terminate a work contract without notice and still be entitled to end of service compensation in the following cases:

- The employer fails comply with the provisions of the contract or the provisions of the law.
- The worker is assaulted by the employer or their representative or at the instigation of either.
- Continued employment would threaten the worker's safety or health, as determined by the medical arbitration committee of the Ministry of Health.

- The employer or his representative perpetrates fraud during the contract period with respect to employment conditions.
- The employer accuses the worker of committing a punishable offence but the worker is ultimately acquitted.
- The employer or his representative commits an immoral act towards the worker.

Question 19

78. The State of Kuwait, represented by the Public Workforce Authority, is committed to implementing international human rights laws, maintaining human dignity and domestic worker rights, and providing legal protection for the three parties to the domestic labour contract – the worker, the employer, and the domestic labour recruitment offices and companies – in accordance with the Domestic Workers Act, No. 68 (2015). It makes sure to defend the weakest party in this contractual relationship, the worker, and protect their rights against the employer in the event that it is proven that the employer violated obligations provided for by Act No. 68 (2015).

79. The Domestic Worker Recruitment Regulation Department makes sure to promote a legal culture within society about the rights and obligations of the parties to domestic labour contracts. The Public Workforce Authority has worked to publicize this on social media. The Authority, represented by the Domestic Worker Recruitment Regulation Department, has made it easier for workers to file complaints, whether by email to the Department, through their country's embassy, or by appearing at the Department personally. The Department has advertised the location for workers to submit complaints on social media and continues to do so from time to time.

80. A detailed guide on mechanisms and procedures for receiving domestic workers' complaints from the three parties to a domestic labour contract has been prepared by the Domestic Worker Recruitment Regulation Department.

81. To facilitate implementation of the Domestic Workers Act, the Government has issued model bilateral and tripartite labour contracts for the recruitment of domestic workers. Their use was made compulsory by Ministerial Decision No. 2 (2020) of 20 February 2020, as part of efforts to guarantee legal protection and implement provisions of the Domestic Workers Act, No. 68 (2015).

82. Ministerial Decision No. 22 (2022) on new implementing regulations for the Domestic Workers Act, No. 68 (2015), included additions and amendments to some of the articles that regulate the labour market for domestic workers. The goal was to ensure legal protection for the parties to the domestic labour contract - the worker, the employer and the domestic labour recruitment offices and companies - and to increase the effectiveness and suitability of the Act.

83. Article 38 of Ministerial Decision No. 22 (2022) on implementing regulations for the Domestic Workers Act, No. 68 (2015), provides that the Authority, when called for by the public interest, is authorized to issue an order to transfer a domestic worker from one employer to another in the following cases:

- The employer dies.
- The domestic worker requests to be transferred to the employer's spouse in the event of separation.
- The employer leaves the country permanently.
- The domestic worker marries a husband inside the country.
- The domestic worker requests transfer to her husband's residence.

- The employer loses eligibility or is sentenced to prison.
- It is proven that an action, statement or gesture with a sexual connotation was made by the employer or someone living with them towards the domestic worker that violated their body, honour or modesty in any way, including by means of modern technology, without prejudice to the worker's right of recourse provided for in the Criminal Code, articles 198 and 199.

84. The relevant authorities are doing their best to enforce the Act and impose deterrent penalties to prevent cases of forced domestic work, seizure and confiscation of domestic workers' passports, or crimes of bodily harm, violence or human trafficking.

85. In the event that it is proven that a domestic worker's passport has been withheld by an employer, which is a violation of contract obligations and the provisions of Act No. 68 (2015), the Domestic Worker Recruitment Regulation Department of the Public Workforce Authority enforces the penalty on the employer, which is a six-month block on issuing entry visas, pursuant to article 30 of Act No. 68 (2015) and article 32 of Ministerial Decision No. 22 (2022). It also refers the complaint to the appropriate judicial agency.

86. Some cases might rise to the level of crimes, such as physical abuse, violence or human trafficking. There may be potential victims of human trafficking. The Department's investigators track certain indicators for any signs that the worker is being monitored or controlled. Examples are as follows:

- They exhibit fear, anxiety or injuries suggesting assault.
- They do not know the location or address where they work.
- They receive little or no pay.
- They work long hours.
- They lack access to health care.
- They paid fees or any amount of money for transportation to the destination country.

87. In the event it is established by an investigation by the Domestic Worker Recruitment Regulation Department that any of these circumstances apply or that a domestic worker's complaint of employer violence is valid, the Department enforces article 30 of the Domestic Workers Act, No. 68 (2015), which provides that "in the event that any complaints against the employer are proven before the Domestic Workers Department, issuance of entry visas for the employer shall be suspended for the period specified in the implementing regulations". Such cases are also referred to the competent agency at the Ministry of Interior for necessary measures to be taken against the employer.

88. Accordingly, the Domestic Worker Recruitment Regulation Department follows procedures and mechanisms to enforce the Act and step up monitoring and protection for women migrant workers against any form of violence as follows:

- Increase inspections of domestic labour recruitment offices and companies to verify employment contracts and check copies of official documents related to domestic worker recruitment;
- Grant the competent inspectors all the necessary powers and capabilities to enable them to impose the legal measures provided for against any violators of the Act;

- Cooperate with the Ministry of Interior in the event of violations subjecting migrant workers to any form of violence, summon the violating parties – whether employers or the owners of domestic worker recruitment offices and companies – and take the necessary legal measures;
- Cooperate and coordinate with the Ministry of Justice (the competent courts) to refer the relevant cases and enforce judgments issued against violating parties – whether employers or the owners of domestic worker recruitment offices and companies – in accordance with the law.

89. The Public Workforce Authority has prepared and printed awareness pamphlets on domestic worker rights and duties in Arabic, and translated them into English, Urdu, Filipino, Sri Lankan, Hindi and Bangladeshi. The Public Workforce Authority has launched awareness and guidance campaigns at different periods aimed at increasing legal awareness about the rights and obligations of domestic workers and the parties to the domestic labour contract – the domestic worker, the employer and the recruitment office – through electronic media and social networking sites. The goal is to raise community awareness of the Domestic Workers Act and familiarize each party to the contractual relationship with their rights and obligations under the Act, thereby improving the atmosphere of trust between the parties.

90. The shelter also refers potential victims of trafficking crimes to the competent agency at the Ministry of the Interior (the department for the protection of public morals and combating trafficking in persons), which then determines if a trafficking crime has occurred.

91. The State of Kuwait has promulgated the following legal protection instruments:

- Act No. 6 (2015) on private sector employment;
- Act No. 68 (2015) on domestic workers;
- Act No. 91 (2013) on human trafficking and migrant smuggling.

92. These acts contain provisions that grant protection to all migrant workers. They make sure that they work in decent conditions that guarantee their safety. They protect their rights under the labour contract. These acts regulate mechanisms for verifying and investigating complaints submitted by workers in the event that they are exposed to any legal violation related to a report of absenteeism, termination of the employment relationship, or the wish to leave one employer for another. It should be noted that procedures in force at the Authority prohibit filing a report of absenteeism against a worker if there is already a complaint filed by the worker against the employer.

93. As part of efforts to combat human trafficking and provide social protection in line with international laws and instruments, and in implementation of Act No. 91 (2013) on combating human trafficking and migrant smuggling, a migrant workers shelter was established. It has a capacity of 500 workers. The shelter helps residents to correct their statuses and access their rights, and returns them voluntarily to their countries. The shelter provides its residents with a range of health, psychological and nutritional services while they stay there. It also helps to provide job opportunities for residents by rehabilitating them, and makes sure that residents have access to all their legal rights.

94. The shelter takes in workers who submit requests out of a desire to change their legal, health or livelihood situations. It takes in and registers workers, and carries out the necessary procedures for them. Workers are presented to a psychological and health specialist to assess their fitness to work until their status changes, either by moving their residence to another location of their choice or by sending them out of the country if they wish to travel, with the travel costs paid. The shelter provides five

daily meals for the workers present there. It provides all the amenities in thoroughly adequate living spaces.

Health

Question 20

95. Act No. 70 (2020), articles 26-33, guarantee a patient's right to health care without discrimination between men and women. We note that the Ministry of Health has established sections concerned with providing health care for women, including reproductive care. Health services are provided to women citizens and illegal residents free of charge. Non-citizens pay a nominal fee.

96. Act No. 70 (2020), article 17, regulates abortions in the follow cases:

- The abortion is necessary to save the mother's life. Continuation of the pregnancy would seriously damage the mother's physical health.
- It is scientifically determined that the fetus would be born with a serious physical deformity or an irremediable mental deficiency, provided that both parents provide explicit written prior consent to the abortion.
- Abortion is carried out in accordance with the provisions of this article in a government or public hospital, pursuant to written consent and unanimous sign-off by a medical committee.

Economic empowerment and social benefits

Question 21

97. Access to loans and financial credit is the right of every individual who meets bank criteria, up to 40 per cent of an employee's monthly salary. There is no discrimination in loans and financial credit between men and women.

98. We note that women vote and run for membership of cooperative society boards. One woman was able to gain membership of one of the cooperative societies through direct elections. Such events will contribute in the future to access for others. The Ministry of Social Affairs, the Workforce Authority and the Federation of Consumer Societies signed a protocol to start appointing citizens to vacancies in cooperative societies and unions, based on job description cards for supervisory jobs in cooperative societies. Women are entitled to apply for these jobs on the same basis as men. The criterion of functional competence determines the basis for appointment to these positions.

Disadvantaged groups of women

Question 22

99. The Ministry of Social Affairs is responsible for the shelter and care of divorced girls who have family problems and do not reside in the marital home. They are considered to be in the disadvantaged group of persons deprived of family care or affected by broken homes. They are cared for in accordance with article 42 of the internal regulations of the girls' home of the Family Care Department. Shelter is provided to all groups of persons with special needs, including children, whether juveniles or of unknown parentage, or persons with disabilities. These shelters and institutions are regulated by internal regulations that prohibit corporal and psychological punishment of anyone residing in them.

Marriage and family relations

Question 23

100. We affirm the interpretative declaration made by the State of Kuwait regarding compliance with article 2, paragraph 1, and article 23 of the International Covenant on Civil and Political Rights. It stresses that the law that governs matters covered by those articles is the Kuwaiti Personal Status Code, which derives its provisions from the Islamic sharia. In the event of any conflict, the State of Kuwait will apply its national legislation in this matter, pursuant to article 2 of the Kuwaiti Constitution, which states that the religion of the State is Islam and the Islamic sharia is a main source of legislation.

101. We note that the Personal Status Code of the State of Kuwait makes mechanisms available to the wife to enable her to verify the man's suitability and appropriate marriage age. Under article 34 of the Act, the validity of a marriage is conditional on the man's compatibility with the woman at the moment of the conclusion of the marriage contract, and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36 of the Act, age commensurability between the spouses is regarded as an exclusive right of the wife. In addition, Kuwaiti legislators have recently imposed a requirement for marriage candidates to undergo a medical test to ensure that neither of them has any physical or psychological condition that would constitute an impediment to the union. This takes place under Act No. 31 (2008) on premarital medical examinations for persons wishing to marry in the State of Kuwait.

102. Polygamy is covered by the Islamic sharia, which is a major source of legislation, in accordance with article 2 of the Constitution of Kuwait, which provides as follows: "The religion of the State is Islam and the Islamic sharia is a major source of legislation".

103. As the explanatory note accompanying the Constitution points out, article 2 does not limit itself merely to stating that the religion of the State is Islam; it adds that the Islamic sharia is *a main source of legislation*. That formulation seeks to ensure a fundamentally Islamic grounding while not prohibiting provisions drawn from other sources in matters that have not been codified by Islamic jurisprudence, and not preventing new provisions being developed as new needs naturally arise over the course of time. For example, that formulation has allowed for the introduction of new penal laws even where punishments are already provided for by the Islamic sharia. That would not be the case if it had said "The Islamic sharia is *the main source of legislation*". That formulation would mean that it would not be allowed to borrow from some other source in any matter that the sharia has already provided for. In fact, that would have caused considerable difficulties for legislators as practical necessity gradually led them to ease compliance with sharia jurisprudence in certain matters.