



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Kuwait*

1. The Committee considered the sixth periodic report of Kuwait (CEDAW/C/KWT/6) at its 2071st and 2072nd meetings (see CEDAW/C/SR.2071 and 2072) held on 21 May 2024. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/KWT/Q/6 and the responses of Kuwait are contained in CEDAW/C/KWT/RQ/6.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/KWT/CO/5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group on the sixth periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Permanent Representative of the State of Kuwait to the United Nations Office and other international organizations in Geneva, Naser A. Alhayen, and included the Deputy Assistant Foreign Minister for Human Rights Affairs of the Ministry of Foreign Affairs, Saad Al-Muhaini, and representatives of the Ministries of Foreign Affairs, of Information, of the Interior, of Justice and of Public Health, the Ministry of Social Affairs and the Non-Governmental Organizations Department thereof, the Office of the Prosecutor, the Supreme Council for Family Affairs, the Supreme Council for Planning and Development, the Central Agency for the Remedy of Situations of Illegal Residents and its Department of Status Adjustment, the Public Relations and Information Public Authority for Manpower and the Permanent Mission of Kuwait to the United Nations Office and other international organizations in Geneva.

* Adopted by the Committee at its eighty-eighth session (13–31 May 2024).



B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's fifth periodic report (CEDAW/C/KWT/5) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Ministerial Decision No. 177 of 2021 concerning the prohibition of hiring discrimination in the private sector and of sexual harassment in the workplace;
- (b) Mental Health Act (No. 14 of 2019), improving access to mental health care, including for women and girls;
- (c) Domestic Violence Act (No. 16 of 2020).

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:

- (a) Women's Affairs and Business Committee, in May 2021;
- (b) Third development plan under Kuwait Vision 2035, for the period 2020–2025, with a focus on gender equality.

C. Sustainable Development Goals

6. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Factors and difficulties preventing the effective implementation of the Convention

8. The Committee is concerned about the dissolution of the National Assembly on 10 May 2024, only one month after the elections. It notes with concern that this marks the second dissolution in 2024 alone, and the fourth since 2022, which may lead to political instability and constitute a barrier to the State party undertaking crucial reforms, including those aimed at advancing the human rights of women. The Committee considers, however, that this political situation might also present an

opportunity to make necessary amendments to the Constitution and other legislation regarding gender equality.

F. Principal areas of concern and recommendations

Reservations

9. The Committee notes with concern that the State party maintains its reservations to article 9 (2) and article 16 (1) (f) of the Convention, the latter of which is incompatible with the object and purpose of the Convention.

10. **The Committee reminds the State party that, notwithstanding the fact that reservations are a sovereign matter for a State party, a reservation that is incompatible with the object and purpose of the Convention is impermissible under article 28 (2) of the Convention and article 19 (c) of the Vienna Convention on the Law of Treaties. It recalls its previous recommendations (CEDAW/C/KWT/CO/3-4, para. 14, and CEDAW/C/KWT/CO/5, para. 9) and calls on the State party to withdraw its reservations to article 9 (2) and article 16 (1) (f) of the Convention. It recommends that the State party engage in discussions with leaders of religious communities, religious scholars and women's rights groups, taking into consideration best practices in the region and in member States of the Organization of Islamic Cooperation, with a view to overcoming resistance to the withdrawal of the State party's reservations.**

Visibility of the Convention and the Committee's general recommendations

11. The Committee notes that the State party has conducted capacity-building for the judiciary on certain aspects of the Convention. However, it notes with concern:

(a) The lack of systematic capacity-building on the Convention for civil servants, including the judiciary, prosecutors and law enforcement officers, and the absence of education on the Convention in legal studies in the State party;

(b) The lack of awareness-raising campaigns about the Convention for the general public.

12. **The Committee recommends that the State party:**

(a) **Provide systematic capacity-building for the judiciary, hold judicial colloquiums on the Convention and the Committee's general recommendations and include education on the Convention in the curriculum for law students;**

(b) **Widely disseminate the Convention and the Committee's general recommendations, including through the use of information campaigns and in cooperation with the media.**

Constitutional and legislative framework and definition of discrimination against women

13. The Committee notes with appreciation the provision of equality and non-discrimination, including based on gender, in article 29 of the Constitution. It notes with concern, however, the absence of a comprehensive definition of non-discrimination covering both direct and indirect discrimination against women in the public and private spheres, in line with article 1 of the Convention, in the legal framework of the State party.

14. **The Committee reiterates its previous recommendations (CEDAW/C/KWT/CO/3-4, para. 18, and CEDAW/C/KWT/CO/5, para. 13) that the State party include in its legislation a comprehensive definition of**

discrimination against women, covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with article 1 of the Convention.

15. The Committee notes with concern that the constitutional provision of equality and non-discrimination applies only to citizens.

16. The Committee recommends that the State party amend article 29 to apply the provision of equality and non-discrimination also to non-citizens under the jurisdiction of the State party.

Applicability of the Convention

17. The Committee notes with concern that, although article 70 of the Constitution stipulates that international conventions are directly applicable upon ratification, the rank of the Convention in the domestic legal order and its application in practice in the courts of the State party remain unclear.

18. The Committee recommends that the State party ensure that courts refer to the Convention in legal proceedings. It also recommends that the State party collect data on court decisions in which direct reference is made to the Convention.

Discriminatory laws

19. The Committee welcomes the establishment of a committee to review legislation related to women. It notes with concern, however, that discriminatory provisions remain in force, including in the Personal Status Act (No. 51 of 1984), the Criminal Code, the Nationality Act of 1959 and the Private Sector Labour Act (No. 6 of 2010). The Committee also notes with concern the explanation provided repeatedly by the delegation of the State party that the repeal or amendment of such discriminatory provisions would be incompatible with the sharia, the Constitution and other relevant legislation and customary practices.

20. The Committee reminds the State party of its obligations under article 2 of the Convention to eliminate discrimination against women, without delay, and recalls its general recommendation No. 28 (2010) on the core obligations of States parties under article 2, in which it clarified that any delay cannot be justified by political, social, cultural, religious, economic, resource or other considerations or because of resource constraints, as well as general comment No. 28 (2000) of the Human Rights Committee on the equality of rights between men and women (article 3), in which the latter Committee clarified that article 18 of the International Covenant on Civil and Political Rights may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion. The Committee also recalls article 27 of the Vienna Convention on the Law of Treaties, which provides that a party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform a treaty. It urges the State party to take immediate action to review and amend its laws to remove all provisions that discriminate against women and girls.

Women's access to justice

21. The Committee recalls its previous concern ([CEDAW/C/KWT/CO/5](#), para. 16) about the multiple barriers to women's access to justice in the State party, including discriminatory laws on marriage and family relations and in the area of employment, the legalization of harmful practices that constitute gender-based violence against women, the non-criminalization of numerous forms of gender-based violence against

women and the application of discriminatory procedural rules in judicial proceedings. The Committee also notes with concern:

(a) Stereotyping and gender bias on the part of judicial personnel;

(b) The requirement for women who wish to report domestic violence in line with the Domestic Violence Act to have two male witnesses, which significantly weakens their access to justice, as domestic violence by definition occurs in the private sphere, typically in the absence of any witnesses.

22. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee reiterates its previous recommendation (CEDAW/C/KWT/CO/5, para. 17) and recommends that the State party reform its plural legal justice system and amend any existing laws, procedures, regulations, jurisprudence, customs and practices that directly or indirectly discriminate against women and impede their access to justice. It also recommends that the State party:

(a) **Strengthen and institutionalize legal aid and public defence systems that are accessible, affordable and, if necessary, free of charge and responsive to the needs of women and ensure that such services are provided in a timely and effective manner in courts;**

(b) **Repeal the requirement for women to present two male witnesses under the Domestic Violence Act;**

(c) **Take measures, including awareness-raising and capacity-building programmes for all justice system personnel and law students, to eliminate gender stereotyping and judicial gender bias.**

23. The Committee notes with concern that women have been sentenced to death and executed in the State party. In this regard, it is concerned about the lack of information on the extent to which the gender-related aspects of their cases are taken into consideration in the determination of death sentences.

24. The Committee recommends that the State party reintroduce a moratorium on the death penalty with a view to abolishing it and, pending such abolition, provide for gender-specific defences and mitigating circumstances in capital trials, including trauma, gender-based violence, economic pressure and trafficking in persons.

Women and peace and security

25. Although the State party is engaged on the international level in supporting the women and peace and security agenda, the Committee notes that the State party has not adopted a national action plan on women and peace and security.

26. The Committee recommends that the State party adopt a national action plan on women and peace and security, integrating the four pillars of the Security Council's women and peace and security agenda, notably the participation of women at all levels of decision-making in the peace and security sphere, the incorporation of a gender perspective into conflict prevention initiatives, the full protection of the rights of women and girls and the integration of a gender perspective in post-conflict relief and recovery efforts.

National machinery for the advancement of women

27. The Committee notes with appreciation that the third development plan under the Kuwait Vision 2035, for the period 2020–2025, is focused on gender equality and that five of the six members of the Board of the Supreme Council for Family Affairs,

mandated to work on issues relating to women, the family and older persons pursuant to Decree No. 401 of 2006 establishing the Council and specifying its competences, are women. The Committee notes, however:

- (a) The absence of a national strategy on women's rights, with a monitoring and evaluation system;
- (b) The lack of gender-responsive budgeting in the State party.

28. **The Committee recommends that the State party:**

(a) **Adopt and regularly update a national strategy on women's rights, with a corresponding action plan that includes clear targets towards achieving substantive equality between women and men and that includes the collection, analysis and dissemination of disaggregated data, in order to identify, measure and redress gender inequalities;**

(b) **Integrate systematic gender-responsive budgeting into all chapters of the State budget and provide for effective monitoring and accountability mechanisms.**

National human rights institutions

29. The Committee remains concerned that the Human Rights Diwan is placed under the supervision of the Council of Ministers and lacks a women's rights committee.

30. **The Committee reiterates its previous recommendations (CEDAW/C/KWT/CO/5, para. 21) and recommends that the State party ensure the independence of the Human Rights Diwan, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; see General Assembly resolution 48/134, annex) by not placing it under the supervision of the Council of Ministers. It further recommends that the State party create a committee on women's rights within the institution and ensure that an equal number of qualified women and men are appointed as committee members and to key staff positions.**

Temporary special measures

31. The Committee notes with concern that, although some progress has been registered with regard to the representation of women in the judiciary, the foreign service and the private sector, they continue to be underrepresented in the public and private sectors and the State party has not adopted any temporary special measures within the meaning of article 4 (1) of the Convention to accelerate the achievement of substantive equality between women and men. The Committee is also concerned about the limited understanding in the State party of the non-discriminatory nature, purpose and importance of temporary special measures.

32. **The Committee recommends that the State party adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality between women and men in all fields where women are underrepresented or disadvantaged. It also recommends that the State party take measures, including capacity-building and awareness-raising, to promote understanding among State officials and the general public of the non-discriminatory nature and importance of temporary special measures as a tool to advance substantive equality and national development.**

Gender stereotypes

33. The Committee is concerned about the persistence of deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and in society.

34. The Committee recommends that the State party, in consultation with women's rights groups, conduct awareness-raising and education campaigns, in cooperation with the media, to eliminate gender stereotypes in society. It also recommends that the State party promote understanding within society that, rather than constituting a threat to the family, equal rights for women and men allow all family members to develop their full potential.

Gender-based violence against women

35. The Committee welcomes the adoption of the Domestic Violence Act. It notes with concern, however, that:

(a) The Act applies only to the family context and that it does not prohibit husbands from "disciplining" their wives;

(b) The Act does not apply to women migrant domestic workers, leaving them without protection, as they frequently have limited access to complaint mechanisms, mobile telephones and the Internet and cannot leave the house without risking being charged with "absconding";

(c) Gender-based violence against women is underreported due to stigmatization and because the police often contact the woman's husband to direct the complainant to reconciliation rather than criminal proceedings;

(d) Sentences set out in article 153 of the Criminal Code are lenient, providing for three years of imprisonment or a fine of 225 Kuwaiti dinars, or both, when a man kills his wife, mother, sister or daughter "in the act of adultery", in the name of so-called honour;

(e) Under article 182 of the Criminal Code, perpetrators of rape and bride kidnapping are exempted from criminal liability if they marry the victim and that many victims are forced into such marriages by their guardians to maintain "family honour";

(f) The definition of rape set out in article 186 of the Criminal Code is based on the use of force, threat or deception, rather than the absence of consent, and that it fails to take into consideration coercive circumstances;

(g) Shelters for victims of gender-based violence in the State party are inadequately funded and equipped, that there is a lack of training for staff and that survivors are sent back to their families after three months in a shelter;

(h) Corporal punishment of children in the home and in childcare institutions is not criminalized under article 29 of the Criminal Code.

36. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recommends that the State party:

(a) **Amend the Domestic Violence Act to extend its application to domestic violence perpetrated by non-family members, as well as to migrant domestic workers, and prohibit the "disciplining" of spouses;**

(b) **Ensure that women migrant domestic workers have effective access to reporting mechanisms and mobile legal aid units and that they enjoy freedom of**

movement within the State party, in particular so that they do not run the risk of being penalized for absconding when leaving the domestic household to submit a complaint, and remove any obstacles for them to gain access to shelters, including refusal of admission if they are charged with “absconding”;

(c) Encourage reporting by women and girls of incidents of domestic violence by conducting awareness-raising to sensitize the general public about the criminal nature of domestic violence and to destigmatize victims and by providing capacity-building for the police to ensure that officers refrain from pressuring victims to opt for reconciliation rather than criminal proceedings;

(d) Repeal article 153 of the Criminal Code, raise awareness among the general public, religious leaders and legal and health professionals about the criminal nature of acts of gender-based violence against women committed in the name of so-called honour and ensure that notions of so-called honour cannot be invoked to justify or condone such acts;

(e) Repeal article 182 of the Criminal Code to remove the criminal liability exemption for rapists and bride kidnappers who marry their victims, conduct awareness-raising campaigns to destigmatize victims of rape and kidnapping and to dismantle patriarchal notions of so-called honour and provide accessible reporting channels for women and girls seeking protection from forced marriage;

(f) Amend article 186 of the Criminal Code to align the definition of rape with international standards, basing it on the lack of freely given consent rather than use of force, threat or deception, and ensure that it takes into consideration coercive circumstances;

(g) Provide a sufficient number of adequately funded and equipped shelters, with trained professionals and adequate support services for victims of all forms of gender-based violence, and ensure that victims can stay with their children or other family members, as necessary, and that the duration of their stay is not limited to three months;

(h) Ensure that women and girls who are victims of gender-based violence have effective access to protection orders, including restraining and eviction orders against perpetrators, and that those orders are effectively enforced, monitored and subject to adequate penalties in cases of non-compliance;

(i) Amend article 29 of the Criminal Code to criminalize corporal punishment in all settings, including the home and childcare institutions.

Trafficking and exploitation of prostitution

37. The Committee welcomes the efforts made by the State party to investigate and prosecute perpetrators in cases of trafficking. It notes with concern, however, that:

(a) The Constitutional Court, in April 2019, quashed the requirement in Act No. 91 of 2013, on combating trafficking in persons and the smuggling of migrants, for judges to issue a verdict in trafficking cases and that, since then, courts have often tried cases of trafficking under offences carrying lighter sentences;

(b) Under Act No. 91, slavery is criminalized only under the condition of movement of the person, whereas the maintenance of a person in a condition of enslavement falls outside the scope of the law;

(c) Online platforms are used by traffickers with impunity to sell and buy domestic workers for prices ranging between 500 and 1,500 Kuwaiti dinars;

(d) The 2019 national strategy to combat trafficking in persons does not include prosecution as a focus area;

(e) Front-line officials often lack the necessary knowledge and capacity to identify and refer victims to the national referral mechanism, often resulting in the deportation of victims.

38. The Committee recalls its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and recommends that the State party:

(a) **Without prejudice to the independence of the judiciary, introduce capacity-building measures on the strict enforcement of Act No. 91 of 2013 and on the investigation of the crimes of trafficking in persons and the smuggling of migrants;**

(b) **Ensure that all forms of trafficking in persons are explicitly criminalized and ensure the prosecution and sentencing of perpetrators, including in cases of victims being sold online;**

(c) **Update the 2019 national strategy to include prosecution as a key focus area, allocate adequate resources, ensure inter-agency coordination between government entities for the investigation and effective prosecution and punishment of traffickers and include data on the number of prosecutions and convictions and on the sentences imposed on traffickers in the next periodic report;**

(d) **Provide capacity-building for judges, prosecutors, police officers and other law enforcement officials, border police, health-care providers and other first responders to ensure the early identification of victims of trafficking and their referral to appropriate protection and support services.**

39. The Committee is concerned that women engaged in prostitution are criminalized and that migrant women accused of prostitution are routinely deported.

40. The Committee recommends that the State party:

(a) **Make the necessary legal amendments to decriminalize women in prostitution and ensure that they have access to exit programmes, including alternative employment opportunities, as well as to adequate shelters and support programmes;**

(b) **Ensure that, when migrant women are found to be engaged in prostitution, the authorities proactively look for signs of trafficking and refer victims to the necessary referral mechanisms.**

Equal and inclusive representation in decision-making systems in political and public life

41. The Committee welcomes the steps taken to increase the representation of women in the public service, the judiciary and the police. However, it notes that the government programme of work for the current legislative term (2022–2026) sets only a 30 per cent target for women in leadership positions. It also notes that:

(a) Women hold only 18 per cent of leadership positions in the public sector, they are underrepresented in political life, with only one woman member in the 50-member National Assembly and one woman minister in the Cabinet, and that only three women Ambassadors have been appointed by the State party since 2017;

(b) There is no clear strategy to address the barriers to access by women to decision-making and to reach parity in political and public life;

(c) Only 20 per cent of women between 21 and 35 years of age were registered to vote in 2019.

42. The Committee recommends that the State party increase its target for the representation of women in decision-making from 30 to 50 per cent and that it:

(a) **Implement a comprehensive strategy on parity, as a priority, in order to sustainably overcome barriers to and reach equal and inclusive representation for women in decision-making positions in political and public life, and adopt temporary special measures, such as a zipper system, to ensure equal ranks for women and men candidates on the electoral lists of political parties, targeted campaign financing for women candidates and preferential recruitment of women to public service positions and international bodies, with a view to reaching parity;**

(b) **Conduct education and awareness-raising campaigns targeting young women to promote the registration of women as voters.**

Nationality

43. The Committee notes with concern that, under the Nationality Act, women are denied the right to acquire, change, retain and transmit their nationality. It also notes with concern that children born out of wedlock or as a result of rape in Kuwait to non-Kuwaiti mothers and Kuwaiti fathers are placed in orphanages, and the mothers of these children can be prosecuted and deported.

44. The Committee recommends that the State party amend the Nationality Act to recognize the right of Kuwaiti women to transmit their nationality to non-Kuwaiti spouses and children on equal terms with Kuwaiti men. It also recommends that the State party immediately discontinue the practice of placing children born out of wedlock or as a result of rape in orphanages and ensure that their mothers are not subject to criminal prosecution or deportation.

45. The Committee notes with concern that stateless women are classified as “illegal residents”, commonly known as *bidun*, and face intersecting forms of discrimination and limited access to services in the State party.

46. The Committee recommends that the State party:

(a) **Regularize the situation of members of the *bidun* community, to ensure their full enjoyment of fundamental rights, freedom from discrimination and equal access to opportunities, including social services, health care (including maternal health care), education, decision-making systems and employment;**

(b) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

47. The Committee notes with appreciation that, according to the Global Gender Gap Index, the score for the educational attainment of women in Kuwait is nearly 100 per cent. It notes with concern, however, that:

(a) Married women and girls are automatically removed from mainstream education and placed into evening schools, according to the administrative instructions of the Ministry of Education;

(b) In view of gender segregation in public schools and universities, there is a lack of information on measures to maintain intellectual exchange between girls and boys and women and men and to ensure that this segregation does not steer women and girls towards traditionally female fields of study only;

(c) There is a lack of access to inclusive education for women and girls with disabilities.

48. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote the importance of girls' education at all levels as a basis for their empowerment and that it:

(a) **Abolish child marriage and repeal the administrative instruction to place married women and girls in evening schools, so as to ensure their continued access to quality mainstream education;**

(b) **Maintain an exchange of views between girls and boys and women and men, with a particular focus on universities, to ensure that girls and women benefit from networks, collaboration, communication, debate and critical thinking, which constitute key aims of education;**

(c) **Allocate the necessary human, technical and financial resources to provide full access to inclusive education for women and girls with disabilities.**

Employment

49. The Committee welcomes the broad protections from workplace discrimination and prohibition of sexual harassment set out in Ministerial Decision No. 177 of 2021. It notes with concern, however:

(a) The lack of specific protection for women, in the Ministerial Decision, from discrimination in training and promotion or from indirect discrimination;

(b) The lack of a clear definition of sexual harassment in the Ministerial Decision and of protections against retaliation by the employer in case women report sexual harassment;

(c) The prohibition in articles 22 and 23 of the Private Sector Labour Act for women to work during evening hours or in any occupations that are considered "dangerous, hard or harmful to health";

(d) The persistent significant gender pay gap in the private and public sectors;

(e) That paid maternity leave is limited to 70 days and unavailable to women who are not covered by social protection, such as women who work part-time, who are self-employed or who work in the informal economy, and the absence of paid paternity leave, adding to the disproportionate burden of care responsibilities on women;

(f) That social protection policies are not designed in a way to adequately address the intersecting discrimination and ensuing economic difficulties faced by women in disadvantaged situations, including women with disabilities, older women, women who are heads of households, widows, refugee women, migrant women and *bidun* women.

50. The Committee recommends that the State party:

(a) **Ensure that the Private Sector Labour Act prohibits direct and indirect discrimination on the grounds set forth in the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), including sex-based discrimination, with respect to all aspects relating to employment;**

(b) **Include a clear definition of sexual harassment in Ministerial Decree No. 177 of 2021, as well as the necessary safeguards to protect women who report sexual harassment from retaliation;**

(c) **Remove discriminatory provisions in the Private Sector Labour Act concerning women’s employment during evening hours and in occupations considered dangerous and adopt the necessary measures, including through the possibilities offered by modern technology, to protect women, including women migrant workers, from dangerous working conditions;**

(d) **Enforce the principle of equal remuneration of women and men for work of equal value;**

(e) **Ratify the ILO Maternity Protection Convention, 2000 (No. 183), increase the duration of maternity leave to at least 14 weeks, in line with ILO recommendations, extend social protections to women working part-time, self-employed women and women working in the informal economy and introduce paid paternity leave;**

(f) **Allocate the necessary resources to collecting data disaggregated on the basis of gender and other identities, to understand the lived realities of various groups of women in disadvantaged situations, and develop, in consultation with women from those groups, targeted social protection policies to address the risks and vulnerabilities to which they are subjected and to strengthen their economic autonomy.**

Women migrant workers

51. The Committee recalls its previous concern ([CEDAW/C/KWT/CO/5](#), para. 36 (e)) about the lack of effective protection, in Act No. 68 of 2015, of domestic workers, including women migrant domestic workers, from abuse, exploitation and violence, including the following: the lack of labour inspection mechanisms; weak penalties for abusive practices by labour recruitment firms; the tying of the immigration status of migrant domestic workers to one employer or sponsor, according to the *kafalah* system, and the deportation of “absconding” migrant domestic workers; the absence of penalties for employers withholding the passports of women migrant domestic workers or failing to provide adequate housing, food, medical expenses, daily breaks or weekly rest days; and the absence of a dispute resolution requirement for employers of migrant domestic workers, as well as the absence of complaint mechanisms.

52. **The Committee recommends that the State party:**

(a) **Revise the legislation regulating domestic work and provide for the effective protection of domestic workers, in particular women migrant domestic workers, from abuse, exploitation and gender-based violence, including enforcement mechanisms and adequate penalties for abusive employers;**

(b) **Abolish the *kafalah* system and the possibility of deporting an “absconding” migrant domestic worker and ensure that the law provides for labour rights, in particular social protections for domestic workers, including women migrant domestic workers;**

(c) **Ratify the ILO Domestic Workers Convention, 2011 (No. 189).**

Health

53. The Committee notes that Act No. 70 of 2020, concerning the practice of medical and associated professions, patients’ rights and health facilities, provides for free health services for Kuwaiti nationals in public hospitals. It notes with concern, however, that:

(a) **Abortion is criminalized in the State party except in cases of threat to the life or health of the pregnant woman and severe fetal impairment, in which abortion**

is subject to the explicit prior written consent of both parents and approval by a medical committee;

(b) Women who are pregnant as a result of rape risk prosecution when they seek an abortion;

(c) In the light of the very strict abortion laws, many women resort to unsafe methods of abortion, which threaten their health or life;

(d) Women who are non-nationals and thus not entitled to free health-care services under Act No. 70 face excessive fees for emergency treatment, maternal health services and medication, leaving them with limited access to health services.

54. The Committee recommends that the State party:

(a) **In addition to the current three grounds for legal abortion, legalize abortion at least also in case of rape and incest and decriminalize it in all other cases, recognizing that the criminalization of abortion is a form of gender-based violence against women, in line with general recommendation No. 35, ensure that women and adolescent girls have adequate access to safe abortion and post-abortion services and remove the requirements of consent by the father and approval by a medical committee;**

(b) **Ensure that women who are non-nationals have adequate access to affordable health services in the State party.**

Economic empowerment of women

55. The Committee welcomes the establishment of a Women's Affairs and Business Committee in 2021 and the integration of the economic empowerment of women as a priority in the national development plan, Kuwait Vision 2035. While appreciating the number of women entrepreneurs in the State party, it notes with concern that:

(a) Women do not have equal economic opportunities in comparison with men;

(b) Temporary special measures across business and finance sectors, such as capital markets, including the industrial infrastructure sector, are lacking.

56. The Committee recommends that the State party:

(a) **Increase women's access to low interest loans without collateral and other forms of financial credit, expand their access to business networks and resources and provide gender-specific start-up and scale-up funds, venture capital, financial technology (fintech) and other innovative accelerator mechanisms to promote the economic empowerment of women;**

(b) **Develop regulatory policies to drive private sector funds to promote the Guiding Principles on Business and Human Rights, affirmative procurement in public-private partnerships, investment forecasting in core economic sectors and innovation and the achievement of Sustainable Development Goal 13, on climate action.**

57. The Committee notes with appreciation the commitment towards strengthening the participation of women in professional sport as a lever of economic empowerment. It notes, however, the insufficient availability of information on the steps taken to further increase their role in sports, both as athletes and as policymakers, and on whether they have access to all types of disciplines.

58. The Committee recommends that the State party ensure that women and girls can participate in sports at all levels and that it allocate resources and take awareness-raising measures to further encourage their participation, especially

those in which they have been traditionally underrepresented, including by means of specific awareness-raising measures, through various media, and by adopting temporary special measures through grant opportunities and additional training opportunities, including in the school context. It also recommends that the State party take the necessary measures to ensure parity in decision-making in sports.

Climate change and disaster risk reduction

59. The Committee notes with concern that:

(a) The State party is vulnerable to impacts of climate change, resulting in the increased frequency and intensity of drought and rising sea levels, which disproportionately affect women, who often have limited resources and coping mechanisms;

(b) Women are underrepresented in decision-making on climate change mitigation and adaptation strategies.

60. The Committee recalls its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, and recommends that the State party:

(a) Collect data on the impacts of climate change faced by different groups of women and review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially women in poverty, *bidun* women, women with disabilities, migrant women, refugee and asylum-seeking women and women living in poverty;

(b) Promote climate literacy among women and men to equip them with knowledge on climate change and empower them to participate equally in decision-making on the development and incorporation of gender perspectives in climate change and disaster risk reduction legislation and policies, climate financing and climate change adaptation and mitigation programmes, including the green economy, renewable energy and clean technology, in order to help all women and girls in the State party to adapt effectively to climate change and disasters;

(c) Strengthen gender budgeting for climate financing and climate change adaptation activities to ensure that such initiatives are fully inclusive of women, promote women's empowerment and support the climate change agenda, in order to help women and girls to adapt effectively to climate change and disasters.

Refugee women

61. The Committee is concerned about the absence of a gender-responsive asylum procedure in the State party.

62. The Committee recommends that the State party:

(a) Adopt a specific gender-responsive legal framework to protect the rights of refugee and asylum-seeking women;

(b) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Marriage and family relations

63. The Committee notes with concern that discriminatory provisions prevail in the Personal Status Act, including the following:

- (a) Restrictions on a woman's right to divorce (arts. 102–110, 111–119 and 120–148);
- (b) Loss of custody of her children if a divorced woman marries another man (arts. 190 and 191);
- (c) Kuwaiti mothers cannot bequeath their real estate assets to their children if the latter are non-citizens;
- (d) The stipulation, in article 26, of a marriage age of 15 years for girls and the requirement, in article 24, for both parties to have reached puberty for marriage, which may, in practice, lead to the marriage of a child younger than 15;
- (e) The right of a Muslim man to marry up to four wives with no restrictions (art. 21);
- (f) Women often do not have access to their share of inheritance owing to societal considerations and intimidation.

64. **The Committee recalls its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and recommends that the State party, in view of the ongoing review of Act No. 124 (2019) enacting the Personal Status Code, seize the opportunity to repeal or amend any discriminatory provisions therein, including:**

- (a) To enact legislative amendments to ensure that divorce takes place only in court and in the presence of both parties and that registration of the divorce is required in all cases;**
- (b) To abolish provisions granting unequal rights to women in the guardianship of children;**
- (c) To remove obstacles for women to bequeath their real estate assets to their children, including when the latter are non-nationals;**
- (d) To adopt a minimum age for marriage of 18, without any exceptions;**
- (e) To restrict polygamy with a view to abolishing it, while ensuring that women currently in polygamous marriages have access to all of their rights;**
- (f) To remove all practical obstacles for women to gain access to inheritance, including by taking awareness-raising measures to ensure that they are not intimidated.**

Optional Protocol to the Convention

65. **The Committee encourages the State party to ratify, as soon as possible, the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

66. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.**

Dissemination

67. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, National Assembly and the judiciary, to enable their full implementation.

Ratification of other treaties

68. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to concluding observations

69. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 36 (d) and (e), 54 (a) and 64 (d) above.

Preparation of the next report

70. The Committee will establish and communicate the due date of the seventh periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

71. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.