



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

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

**Pre-session working group**

**Fiftieth session**

3–21 October 2011

**Replies to the list of issues and questions with  
regard to the consideration of the combined third  
and fourth periodic reports**

**Kuwait<sup>\*</sup>, <sup>\*\*</sup>**

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

### **Reply to question 1**

1. The High Committee for Human Rights, chaired by the Minister of Justice, was established pursuant to Ministerial Decision No. 104 of 2008. A subcommittee, known as the International Liaison Committee, was subsequently formed and tasked with the preparation of the periodic human rights treaty body reports required from Kuwait. The International Liaison Committee includes members from the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Social Affairs and Labour, Kuwait University and the Ministry of Endowments and Islamic Affairs.

### **Reply to question 2**

2. The Constitution and legislation of Kuwait provide for the effective observance of human rights. Kuwait therefore decided to accede only to the main human rights treaties, since they are general and refer to basic human requirements and human rights.

### **Reply to question 3**

3. Article 4 of the Constitution of Kuwait provides that Kuwait is a hereditary emirate in which the line of succession is from the late Mubarak Al Sabah. Paragraph 4 of the article provides that the heir apparent must be an adult of sound mind and a legitimate son of Muslim parents. The wording of article 4 of the Constitution, which refers to a son, not a daughter, indicates that the heir apparent must be a male. Since the Constitution specifies that the succession is male in the line, a woman may not inherit the title of Amir. Moreover, the same article also provides that the National Assembly must pledge allegiance to the heir apparent as required by Islamic law, which provides that men and not women have the right to rule.

### **Reply to question 4**

4. The Ministry of Justice, as represented by the Kuwait Institute for Judicial and Legal Studies, raises awareness of all treaties and mechanisms for their implementation through training courses, seminars and workshops. The topic is also included in the training curriculums for judges, prosecutors and investigators. The Kuwait Institute for Judicial and Legal Studies will accede to requests from parties to hold such training courses.

5. The Ministry of Interior, through the Saad Al-Abdullah Academy, offers instruction in public international law to officer cadets over the course of a full academic year. An entire section of the syllabus is dedicated to international relations and a whole chapter thereof to information on international treaties, including the procedures for their ratification and their impact.

### **Reply to question 5**

6. The High Committee for Human Rights receives complaints on a number of different issues. It deals with them on a case-by-case basis and refers them to the competent governmental authority. The Committee does not, however, consider any cases or complaints that have been brought to court.

## Reply to question 6

7. The authorities are coordinating their efforts to establish an independent national human rights institution pursuant to the pledges made by Kuwait during the review of its universal periodic report before the Human Rights Council in May 2010.

## Reply to question 7

8. As stated in the combined third and fourth periodic reports of Kuwait, the Constitution of Kuwait affords Kuwaiti women numerous social, economic and political rights to guarantee them full equality in terms of human dignity, rights and duties. In order to promote the effective application of the Constitution, a number of laws have been enacted that firmly recognize the right to equality and non-discrimination, including the following:

(a) The Private Sector Labour Act No. 6 of 2010 provides for equal pay for men and women performing the same work. It defines the term "employee" as any man or woman performing remunerated work for an employer. Moreover, article 46 provides that employees may not be dismissed on account of their union activities, sex, colour or religion;

(b) The Compulsory Education Act of 1965 establishes compulsory and free education for boys and girls;

(c) The Public Assistance Act No. 22 of 1978;

(d) The Social Security Act provides that men and women, without discrimination, are to be cared for and afforded a decent life;

(e) The Juveniles Act No. 3 of 1983.

9. Article 29 of the Constitution of Kuwait conveys the concept of equality and non-discrimination between men and women as understood in Islamic law in the following clear and unequivocal terms:

- All people are equal in human dignity and in rights and duties before the law, without discrimination on grounds of sex, colour, language or religion

10. On the basis of this constitutional principle, domestic legislation has been enacted to support, protect and expand the rights of Kuwaiti women. This legislation includes:

- The Kuwaiti Criminal Code
- The Personal Status Code
- The Juveniles Act
- The Housing Welfare Act
- The National Employment Support Act
- The Public Interest Clubs and Associations Act

11. The Electoral Act No. 35 of 1962 was amended by Act No. 17 of 2005, which granted Kuwaiti women full and equal political rights with men. Article 1 of the Electoral Act, as amended, provides that: "Every Kuwaiti of 21 years of age and above has the right to vote and to stand for election." Further to this amendment, Kuwait withdrew its reservation to article 7 (a) of the Convention on the Elimination of All Forms of Discrimination against Women, concerning the political rights of women.

12. The Ministry of Social Affairs and Labour is implementing a project on the establishment of a legislative environment to support the social empowerment of Kuwaiti women. A committee will be formed to review Kuwaiti legislation and identify any forms of discrimination against women that it may contain and amend it in women's favour.

13. The five-year medium-term development plan for the period 2010–2014 attached as an annex to Act No. 9 of 2010 includes a section on the following human development policies:

- Increase the number of private sector jobs open to the national labour force by an average of 14,000 jobs each year, in order to assimilate some 65 per cent of new entrants to the labour market who are Kuwaiti nationals. Opportunities for Kuwaiti women and young people to join the ranks of the self-employed must be provided through the enactment of legislation on small and medium-sized enterprises. The goal is to increase the proportion of the national labour force that is in private sector employment from 17 per cent in 2008 to 30 per cent by the end of 2014.

#### **Paragraph 4**

##### *Policies on women and youth*

- Review all legislation that affords women's civil and social rights with a view to achieving social justice for all social groups, and without prejudice to the principles of Islamic law and the Constitution

#### **Reply to question 8**

14. A number of bodies in Kuwait deal with family issues and women's issues. These include governmental institutions such as the Ministry of Social Affairs and Labour, the Ministry of Endowments and Islamic Affairs and the Ministry of Education, in addition to civil society organizations such as women's associations, the Teachers' Society and women's rights committees.

15. These institutions undertake numerous activities in order to promote a positive and supportive view of women's role, whether as heads of household or as workers anywhere. They also recognize the Muslim perspective concerning the importance of safeguarding women's dignity and humanity.

16. To achieve these goals, they hold numerous seminars, workshops and public meetings and conduct media awareness campaigns on a continuous basis. They also keep up with developments affecting women and their status. Several organizations cooperate with other entities to prepare seminars and workshops, such as the workshop entitled "Convention on the Elimination of All Forms of Discrimination against Women" that was organized by the Kuwait Human Rights Society in cooperation with the United Nations Development Programme (UNDP) and the Economic and Social Commission for Western Asia in November 2010. A number of governmental institutions participated in the workshop, including the Ministry of Foreign Affairs and the Ministry of Education, as did civil society institutions such as Kuwait Finance House and business experts and other interested individuals.

17. The Ministry of Social Affairs and Labour is implementing the following projects in the context of the development plan.

**Project for the economic empowerment of women**

18. Paragraphs 1, 2 and 3 of the development plan provide for the following:

(a) Promotion of social empowerment of Kuwaiti women by supporting their political rights, enhancing their role in decision-making positions, expanding the framework for their social participation, and overcoming the obstacles that prevent them from achieving additional and legitimate gains;

(b) Development of an institutional mechanism to monitor women, family and youth issues. Women's successes and failures should be monitored and solutions proposed;

(c) Contribution to the provision of housing welfare for certain groups of women by establishing a housing fund for divorcees, widows, women married to non-Kuwaiti nationals and unmarried women, which would assist more than 60,000 women.

**Training courses, workshops and conferences held in 2010**

- The first forum to mark the 100th anniversary of International Women's Day was held on 10 March 2010.
- A conference on women and the rebirth of the nation was held from 29 to 31 March 2010.
- A seminar on the role of parents in the family was held on 7 April 2010.
- Workshops on the first Gender in Development Programme were held from 11 to 13 May 2010.
- A panel discussion on the rights and duties of Kuwaiti women was held on 8 November 2010. Dr. Salwa Al-Jassar, a member of the National Assembly, and Ms. Najla' Al-Naqi, State Attorney at the Fatwa and Legislation Department, took part in the discussion.
- A seminar on women in sustainable development was given by Dr. Salma Al-'Ajami on 8 November 2010.
- A discussion panel on the role of Kuwaiti women in development and progress was held on 23 March 2011.
- A workshop on gender-based violence and violence against women was held from 26 to 27 January 2011.

19. In addition, studies were published on the following topics:

- Integrating disabled Kuwaiti women in development
- The situation and progress of women in Kuwait

**The Family Development Department in the Ministry of Endowments and Islamic Affairs**

20. The Family Development Department is a department within the Ministry of Endowments and Islamic Affairs (a departmental organigramme is attached herewith as annex 1). Established in 1997, the Family Development Department serves Kuwaiti society in general and the Kuwaiti family in particular. Headed by a woman employee of the Ministry, the department's main aim is to serve Kuwaiti families by holding classes and legal seminars in schools and women's prayer rooms, organizing training courses, conducting research and studies and publishing cultural and legal material, in collaboration with the various ministries and institutions concerned with education in Kuwait.

### **Family Development Department goals**

- To establish a spiritual and cultural framework for families
- To enhance the role of the family in society in accordance with Islamic principles, while taking modern developments into consideration
- To promote cultural, educational and religious awareness among women
- To complement the activities of various governmental institutions with common goals
- To mould the personalities of young people distinctively, in accordance with Islamic principles and the teachings of Islamic law
- To develop and implement family development programmes in the community and through the media

21. Each of the various sections and supervisory bodies within the Family Development Department, such as the technical bureau section, serves Kuwaiti women and families in a particular way.

22. The technical bureau was established in 2003. Its functions include:

- Studying and commenting on issues that are brought to the director's attention
- Studying and submitting studies and research on social phenomena and problems
- Contributing to the achievement of the Family Development Department's mission and improving its performance by studying the problems that it faces, identifying the causes and proposing solutions

23. The achievements of the technical bureau include the following:

#### **Project 1. Completion of the study on material and educational role complementarity between spouses in the Kuwaiti family**

24. The final three phases of the aforementioned study, which was launched in 2004, were completed.

#### **Project 2. Preparation of a working paper for the Family Development Department, presented at its first Family Conference in September 2005**

25. The Director of the technical bureau, Hana' Al-'Ayyub, prepared a working paper presented at the first Family Development Conference, held in September 2005, entitled "Role complementarity between spouses in the Kuwaiti family". The working paper covered the following issues:

- The contemporary concept of spousal complementarity.
- Does either parent fall short of fulfilling their educational role in the Kuwaiti family?

The working paper was followed by a PowerPoint presentation on the results of the study.

#### **Project 3. Enrolment of technical bureau staff on training courses**

(a) A PowerPoint course to train staff to prepare and make presentations on the results of studies at scientific meetings was held in April 2005;

(b) A five-day course on scientific principles and methods used in field studies and research was taught two days per week by consultant Rif'at Abu Zaid at the Family Development Department office.

**Project 4. Training the technical bureau team in scientific research, field studies and statistical analysis**

26. Based on an intensive training plan, the technical bureau team was enrolled in specialized and detailed training programmes on the principles and methods used in research and field studies. The aim was to ensure that the team was trained to the highest possible level in scientific research and statistical analysis. The training covered: (a) the stages of social research; and (b) the principles of statistical analysis.

*Programme on the stages of social research*

27. This training programme, developed by Dr. Hamud Al-Qash`an, was a 27-hour course taught over the period from December 2005 to February 2006. Dr. Al-Qash`an trained the technical bureau team in writing for social research.

*Programme on the principles of statistical analysis*

28. The team was enrolled in an intensive 27-hour training programme prepared by Dr. Siham Al-Khatrash and delivered in April 2006. The programme centred on the principles of statistical analysis using the SPSS programme to process data and information. The SPSS programme is currently one of the best and most widely used statistical analysis programmes.

29. As a result of completing these two programmes, the team:

- Became highly trained and qualified in conducting social research
- Formed a statistics team in the technical bureau to conduct statistical analysis for research

30. In addition, these results clarify the administrative and psychological elements that could help women employees attain a high level of job satisfaction in performing their professional duties and in their relationships with superiors and subordinates. Moreover, they highlight factors that could help women with regard to professional development and promotion.

**Project 5. Design and implementation of a study on job satisfaction levels among female staff in the Ministry of Endowments and Islamic Affairs**

31. Because of the importance of public sector work in general and that of the Ministry of Endowments and Islamic Affairs in particular, there was a need to gauge job satisfaction levels among female staff in the Ministry and to determine whether there were factors that had a positive or negative impact on their job satisfaction. The study is important because the results will shed light on the main administrative and personal factors that could put pressure on female staff at work. The study concentrates on three key issues, namely:

- Working environment
- Promotion and career development
- Administrative regulations followed in the workplace

32. The technical bureau looks forward to the publication of this study and to making recommendations on how to increase job satisfaction levels among female staff at the Ministry of Endowments and Islamic Affairs.

33. Furthermore, a number of projects for Kuwaiti women and families are currently being implemented, namely:

**Project 1. Field study on the effect of the Internet on marital harmony**

*Target group*

Married women in Kuwaiti families

*Objectives*

- To identify whether the Internet is a cause of marital discord
- To identify the types of sites visited by married women in Kuwait and how they use the Internet
- To determine the amount of time married women spend using the Internet
- To identify the impact of the Internet on married women's behaviour and attitudes to marriage

**Project 2. Field study on the reasons why some girls imitate boys in secondary schools in Kuwait**

*Target group*

Girls in Kuwaiti families

*Objectives*

- To explain the relationship between family upbringing and girls' imitation of boys
- To identify the underlying psychological causes of the phenomenon
- To establish the role of the media in the emergence of this phenomenon among girls
- To examine the correlation between imitation of boys and religiosity among girls

**Project 3. Study on the impact of satellite channels on the behaviour of Kuwaiti girls**

*Target group*

Girls in Kuwaiti families

*Objectives*

- To determine the amount of time girls spend in front of the television
- To identify the type of channels watched by girls
- To ascertain the impact of viewing satellite channels on girls' behaviour
- To determine the effect of viewing satellite channels on girls' sense of Muslim identity
- To establish the relationship between girls' satellite channel viewing and their social relationships

34. These three studies went through several stages of desk and electronic research and, in addition, interviews were conducted with experts, in order to gather as much information as possible on the topic. Furthermore, these three studies drew on earlier studies.



**Project 4. Evaluation of the benefit to the general public of the training courses held by the liberal studies oversight body**

35. Research is currently being conducted in cooperation with the liberal studies oversight body to ascertain the benefit to the general public of the training programmes that it holds in order to improve performance. Women taking part in each programme complete questionnaires designed in accordance with the programme objectives; the results are analysed and recommendations are submitted to the oversight body.

**Project 5. Assessment of the benefit derived by women pilgrims to Mecca from spiritual counselling programmes by women preachers from the Ministry of Endowments and Islamic Affairs official mission**

36. At the request of the undersecretary of the Ministry of Endowments and Islamic Affairs, Mr. Mutlaq Al-Qurawi, and with the assistance of Dr. Hamud Al-Qash`an, a questionnaire was designed to evaluate the spiritual counselling activities of women preachers from the Ministry of Endowments and Islamic Affairs official mission. Data was gathered during the pilgrimage to Mecca from a sample of some 500 women pilgrims. Most of the data has been processed and the data entry and analysis process are currently being completed.

37. Other projects nearing completion include:

**Project 1. Publication of printed material by the technical bureau**

*Objectives*

- To publish the results of studies by the technical bureau and attach proposed recommendations aimed at the competent authorities, in accordance with the area covered
- To develop guidelines for women employees in the department with a view to improving performance and increasing efficiency
- To publish documented statistics with a view to shedding light on certain family issues and finding solutions to existing problems

**Project 2. Evaluation of performance in the Family Development Department**

38. One planned future project aims to evaluate performance in the Family Development Department by determining the extent to which the general public benefits from the projects implemented by all of the department's oversight bodies and sections. This will be done by conducting a general survey involving programme beneficiaries.

**Project 3. Study on cosmetic surgery trends among Kuwaiti girls**

*Target group*

Kuwaiti women and girls

*Objectives*

- To ascertain whether Kuwaiti girls are aware of the potential risks of cosmetic surgery
- To ascertain the role of the media in the trend towards cosmetic surgery among girls
- To establish whether there is a link between the trend towards cosmetic surgery among girls and their self-esteem

- To determine the relationship between the trend towards cosmetic surgery among girls and religiosity

#### **Project 4. Study on the impact of working mothers on children's education**

##### *Target group*

Working mothers in Kuwait

##### *Objectives*

- To determine the extent of the impact of working mothers on children's education
- To determine the extent to which children in families with working mothers depend on domestic staff
- To determine the extent to which working parents share childcare
- To establish the extent to which working mothers fulfil their obligations towards their children with regard to health care, recreation and education

#### **Project 5. Career development programme**

39. The technical bureau contributes to the Family Development Department's ability to fulfil its mission and enhances its performance; the career development programme was proposed to assist in this task. Under the programme, tests are conducted to measure different factors among women employees, such as quality of performance, efficiency, creativity, morale and professional needs and requirements, in order to identify the best ways to promote personal and professional development and advancement. Based on a description of the current situation in the Family Development Department, periodic reports containing development proposals are prepared and submitted to the Family Development Department.

40. The family guidance oversight body within the Family Development Department offers a number of programmes and seminars for Kuwaiti women and families, including the following:

##### **School lectures project for girls**

###### **Topic 1. Joy**

###### *Objective*

To deepen faith in God and to find a way of living in accordance with the pillars of Islam, and to relate these pillars to matters of the heart.

###### **Topic 2. Planning and time management**

###### *Objective*

To highlight the importance of time and how best to manage it.

###### **Topic 3. Childhood friends: I need you, my friend**

###### *Objective*

To offer guidance to girls on sound criteria for choosing girlfriends.

**Topic 4. Piety and good deeds: filial piety***Objective*

To familiarize girls with their active role in the family and to teach them to respect the elderly and show filial piety.

**Topic 5. Sunrise***Objective*

To underline the importance of knowledge, the duty to respect one's teachers, and to the impact of teachers on one's life.

**Lectures for mothers programme****Topic 1. Secrets from home***Objective*

To identify the elements of a successful marriage and highlight the influence of the relationship between husband and wife on their children.

**Topic 2. Domestic staff***Objective*

To highlight the importance of domestic staff and how maids should not become surrogate mothers.

**Topic 3. Instilling sound values***Objective*

To instil the values of faith, proper concepts and sound education.

**Topic 4. Their future is in your hands***Objective*

To diversify approaches to educating, raising and treating children equally.

**Topic 5. For and against the media***Objective*

To demonstrate the importance of the media in our lives and how to make proper use thereof.

**Triangle of success project**

41. Under this project, training courses are held in intermediate and secondary schools for girls.

*Objectives*

- To motivate girls to excellence and innovation and to underline the importance of setting specific goals

- To encourage girls to take pride in their Islamic identity and to avoid intellectual and social alienation
- To foster a spirit of optimism and positive thinking and to learn from mistakes in order to succeed
- To underline the importance of time and time management and the benefits for pupils and others
- To build characters that are highly motivated to be productive and benefit others with a view to making girls active members of society

### **Ambitions project**

42. Under this project, training sessions are held at intermediate and secondary schools for girls. The project was launched on 1 September 2002.

#### *Objectives*

- To instil sound values and virtues in pupils
- To develop pupils' personal abilities at school and at home
- To strengthen the relationship between pupils and schools and to instil the values of respect, dialogue and cooperation in pupils
- To emphasize that all girls can make positive changes if the proper means for doing so are available

### **The Shuruq women's centre for service to the community and continuing training**

#### *Introduction*

43. The Shuruq centre, the first women's centre of its kind, provides training and development services in all fields for Kuwaiti women only. The centre is part of the Family Development Department in the Ministry of Endowments and Islamic Affairs.

#### *Mission*

- To develop and implement social and family-oriented community service programmes and to develop programmes targeting all groups of women in society.

#### *Broad objective*

- To provide a service to develop the social, educational and family skills of women in the community in accordance with the Islamic perspective.

#### *Detailed objectives*

- To provide the necessary skills for a happy family life
- To develop positive approaches to life in modern society from an Islamic perspective
- To raise awareness of the importance of enhancing self-worth and to encourage self-learning

#### *Strengths*

- Excellent education standards

- Modern curriculum and methods
- Emphasis on the importance of established convention and keeping pace with change
- Focus on women as wives and mothers
- First official government centre to offer advanced courses for women
- Variety of training methods

#### *Implementation*

- Development and delivery of specialized training courses
- Morning and evening discussion groups on social issues and contemporary developments
- Organization of monthly and periodic awareness-raising lectures and programmes on social issues
- Free exchange with other government institutions
- Diversification of training tools and methods, including courses, seminars, workshops, cultural forums and panel discussions

44. The points mentioned above explain the role of the Family Development Department and its associated sections and oversight bodies, in addition to the seminars and courses that proclaim and encourage better understanding of gender equality and the responsibilities of both men and women in the family and, also, promote an image of women as socially and economically active.

### **Reply to question 9**

45. Article 9 of the Constitution of Kuwait provides that: “The family, sustained by religion, morality and patriotism, shall be the cornerstone of society. The law shall preserve the integrity of the family, strengthen family ties and protect mothers and children.”

46. Article 166 of the Constitution of Kuwait provides that: “The right to seek legal redress shall be guaranteed to all. The law shall prescribe the procedures and conditions necessary for the exercise of this right.”

47. The victims of any form of assault can resort to the justice system by submitting a report to the competent authorities. Women have the same rights as men in this respect.

48. Kuwait has taken measures in this regard, including the establishment of the community police by the Ministry of Interior. Part of the mandate of the community police is to oversee the follow-up of crime victims, to provide psychosocial counselling and to oversee the resolution of individual problems, family disputes and disagreements between neighbours in a manner conducive to social harmony.

49. The families of victims are normally responsible for providing them with shelter and care in Kuwaiti society. The Government has established a women’s shelter for victims who have no family. The shelter provides a number of services to victims including medical, psychological and legal assistance. Article 186 of the Criminal Code provides that: anyone who has sexual intercourse with a female against her will by force, threat or deception, shall be liable to the death penalty or life imprisonment. If the perpetrator is an ascendant, a guardian, a tutor, a person with authority over the victim or a servant in the victim’s home or the home of any of the aforementioned persons, the death penalty shall apply. Sexual intercourse must be non-consensual in order to constitute an offence.

However, if a man has sexual intercourse with his wife without her consent his actions do not constitute an offence because a husband is granted this right through marriage. Nevertheless, if a husband commits an unnatural act with his wife then his actions constitute the serious offence of rape; a husband does not have the right to commit such an act. Thus it is not illegal for a man to have non-consensual sexual intercourse with his wife, by which is meant a woman who cohabits with the perpetrator as his wife based on a valid marriage contract. The same rule applies if a man engages in non-consensual sexual intercourse with his former wife during the waiting period before a revocable divorce is finalized. However, this act reinstates the marriage contract. Nevertheless, if a man has non-consensual sexual intercourse with his former wife after a revocable divorce has been finalized or in the case of an irrevocable divorce then his actions constitute a serious offence under article 186 of the Criminal Code.

50. Article 191 of the Criminal Code provides that anyone who uses force, threat or deception to commit an act of rape shall be liable to a penalty of up to 15 years' imprisonment. If the offender is an ascendant, a guardian, a tutor, a person with authority over the victim or a servant in the victim's home or the home of any of the aforementioned persons, he shall be liable to a penalty of life imprisonment. From the above, it is evident that Kuwaiti law criminalizes spousal rape. The penalty for rape is more severe if the offender has authority over the victim. Husbands have authority over their wives under the marriage contract contained in the Personal Status Code, which provides that husbands are the guardians of their wives. These provisions reflect the legislator's interpretation of the concept of authority in article 191, and the more severe penalties of death or life imprisonment are applied in the cases of persons who commit marital rape.

51. With regard to criminal procedures in cases of domestic violence, when the police are notified or aware that an offence has occurred they must immediately inform the Office of the Public Prosecutor. They must attend the scene of the offence in order to secure the area, seize any items connected with the crime that could help with the investigation and carry out all the requisite procedures. The police must prove that they have completed all these measures in the crime scene investigation report, as required by article 40 of the Code of Criminal Procedure. Article 47 of the Code of Criminal Procedure provides that when the investigator receives a police or crime scene report of an incident, he must immediately go to the scene of the incident in order to launch an investigation or launch an investigation from another location. Given that rape is a criminal offence, the investigator must immediately initiate the criminal procedures established by law, whether or not the offence is spousal rape. A document on this issue is attached herewith as annex 2.

### **Reply to question 10**

52. Article 126 of the Personal Status Code (Act No. 51 of 1984) provides that: "Either spouse may seek a separation on grounds of verbal or actual physical injury by the other spouse of a nature that precludes cohabitation." Article 127 of the same Act as amended by Act No. 29 of 2004 provides that: "The court must attempt to reconcile a married couple seeking divorce. If reconciliation is not possible and the injury is proven, the court shall authorize their divorce. However, if the injury is not proven, the court shall appoint two arbiters to resolve the issue." In its comment on this article (Decision No. 298/2005, Personal Status, on 7 May 2006) the Kuwaiti Court of Cassation stated that the explanatory note made it clear that the objective of amending article 127 pursuant to Act No. 29 of 2004 was to allow courts hearing divorce cases to authorize divorce in cases where there is irrefutable evidence of injury without the need to refer the dispute to two arbiters, as this process extends the trial needlessly and, in turn delays the court's decision even when a case is clear. However, in cases where injury is not proven to the court or is difficult to establish and the plaintiff insists on seeking a divorce, then the court must appoint two

arbiters to comment on the couple's marital discord in accordance with the rules established in this regard, which provide that arbiters shall only be appointed when there is no legal evidence to prove injury. Arbiters are therefore not appointed when a case is clear.

53. In order to ease the burden of proof on women victims of domestic violence who want to file a petition for divorce on grounds of injury resulting from ill-treatment, under Kuwaiti law the court has full authority with regard to understanding the facts of the case, evaluating the evidence of injury and marital discord required to authorize a divorce and identifying whether the abuse was perpetrated by one or both parties. The Court of Cassation interprets the concept of injury constituting grounds for divorce contained in article 127 as "the unlawful abuse by one spouse of the other spouse". It is sufficient for the injured party to prove that his or her spouse caused him or her injury even once for the divorce to be authorized. Furthermore, the Personal Status Act of Kuwait does not differentiate between the rights and legal guarantees accorded to Kuwaiti women and women of other nationalities seeking to divorce their Kuwaiti husbands.

### **Reply to question 11**

54. Article 153 of the Criminal Code provides that: "A man who surprises his wife in the act of adultery or surprises his daughter, mother or sister engaging in sexual acts with a man and proceeds to kill one or both of them shall be liable to a penalty of up to 3 years' imprisonment and/or a fine of up to 3,000 rupees." This article can only be invoked as a pretext for culpable homicide under the following conditions:

(a) Status of the offender: The homicide must be perpetrated by the husband of the adulteress. However, under Kuwaiti law the scope of this mitigating factor extends to include fathers, brothers and sons, since women who commit adultery insult and bring dishonour upon all their family members;

(b) Element of surprise: The husband, father, brother or son must be surprised by the adulterous act; in other words the actual scene that he witnesses must conflict with his previously held belief with regard to the woman concerned the anger and emotion evoked by such a scene are considered mitigating factors in the case. However, a woman caught in the act of adultery must be seen by her husband, father, brother or son in circumstances that leave no room for reasonable doubt that she was committing or was about to commit adultery; it is not sufficient for another person, no matter how reliable their testimony, to have witnessed the act and to have informed the woman's male relative. Judges must use their discretion in order to decide whether an adulteress was caught in the act by a male relative;

(c) Immediate killing: The law provides that the immediate killing of a woman found committing adultery is a mitigating factor since the killing is considered to be a reaction to the sudden rage that overcame the husband, father, brother or son due to the shock of finding her committing adultery. The decision as to whether the killing was immediate is left to the discretion of the judge. It should be noted that if the male relative had an accomplice in the killing, the mitigating factors would only apply to the male relative. His accomplice would be charged with murder.

### **Reply to question 12**

55. A bill banning human trafficking and the smuggling of migrants has been submitted to the Kuwaiti National Assembly for ratification, although human trafficking offences including abduction, unlawful detention, sexual intercourse, rape, instigation to immorality and debauchery, and engaging in prostitution-related work are covered under Kuwaiti law

in articles 178–181, 183–184, 186–188, 190, 192 and 200–203 of the Criminal Code. Most of these offences are serious offences and are sentenced as such. In addition, the law requires that cases involving girls must be dealt with under the Juveniles Act No. 3 of 1983.

56. The victims of any of the aforementioned offences can institute legal proceedings against the perpetrators, whether their employers or other persons. If a case is brought to court, the competent agencies place victims in a purpose-built shelter until a decision is reached by the court. The shelter offers all the necessary support to victims in respect of the trial and in order to limit their suffering.

57. A number of legislative decisions have been issued on the employment of men and women, namely:

(a) Ministerial Decision No. 141/A/2010 establishing a hotline to enable people to report labour complaints, human trafficking and, in particular, forced labour;

(b) Ministerial Decision No. 142/A/2010 prohibiting employers in the civil and oil sectors from withholding the travel documents of their employees;

(c) The Ministry of Social Affairs and Labour made a television programme, “Public Concern”, to raise awareness of these issues in the community. The first episode, written and presented by Nasser Al-Amman, Director of the Department of Charitable Associations and Institutions, addressed the reality of human trafficking and discussed victims’ rights and was broadcast on 10 April 2011 (list attached as annex 3).

### **Reply to question 13**

58. Article 105 of the Code of Criminal Procedure provides that: “The court shall base its decision on evidence gathered from its investigation into the case or from pre-trial investigations. The court shall have complete freedom to weigh the evidence in reaching its decision. A judge may not base his decision on personal belief.” Article 105 thereby establishes the principles of judicial decision-making for criminal court judges. A judge must admit all the evidence presented by the parties to the proceedings but may exclude any evidence that he deems unreliable. Evidence cannot, therefore, be imposed upon judges, in accordance with the basic principles of evidence. Judges also have full discretion in weighing the evidence by all means established in the Code of Criminal Procedure, including testimony, confession, expert and documentary evidence. The court has the right to call an expert witness in order to fulfil its duty to establish the facts of a criminal case and the role of the accused. The testimony of an expert witness may be used to establish criminal responsibility and the penalty to be imposed, which greatly assists the courts and competent authorities in performing their duties in criminal cases. The court therefore applies all the rules of evidence to determine whether a woman has been forced into prostitution against her will, including the presence of evidence of coercion, such as locked doors and barred windows.

59. With regard to rehabilitating and granting residence permits to non-national women who have been forced into prostitution, article 9 of the Aliens’ Residency Act promulgated by Amiri Decree No. 17 of 1959 provides that: “All foreigners who wish to reside in Kuwait must obtain a residency permit from the Interior Minister.”

60. Provided that a sponsor is available for the victim, whether from a governmental or non-governmental body or a private individual, and provided that the victim’s innocence is proven, the victim can complete the necessary formalities and obtain legal residency without legal impediment, pursuant to the said Act.



**Reply to question 14**

61. Under article 45 of Act No. 35 of 1962 concerning the election of members of the National Assembly, any person who calls for or participates in the organization of by-elections shall be liable to a term of up to 5 years' imprisonment and/or a fine ranging from 2,000 to 5,000 Kuwaiti dinars. Paragraph 5 specifies that this refers to unofficial by-elections held before the scheduled election time in order to select one or more candidates from a particular group or sect.

62. In this context, the Ministry of Interior emphasizes that it operates in accordance with this Act and implements it judiciously, regardless of the identity and gender of candidates selected by means of illegal by-elections and those disadvantaged by such by-elections. The Act is applied globally and indiscriminately, as required by established legal principles. As a result of the tough stance adopted by the Ministry of Interior in respect of these by-elections, a number of persons accused of holding them have been brought to trial before the competent courts.

63. The role of women in political life is described in detail in the combined third and fourth periodic report of Kuwait. The following points can also be added.

64. Kuwaiti women now exercise their political rights to vote and stand for election in legislative and parliamentary elections. The most obvious proof of this is the four seats recently won for the first time by women candidates in the National Assembly elections. The international community has commended the progress that Kuwait has made with regard to women's political rights.

65. Moreover, Kuwaiti women hold senior positions in the economic, social and cultural sectors. There are women ministers, members of parliament, managing directors and women in business. In other words, the fact that women now participate in the political decision-making process in Kuwait is clear evidence that women are not discriminated against.

**Reply to question 15**

66. A list of institutions that promote equal rights and opportunities for men and women is attached herewith as annex 4.

**Reply to question 16**

67. Kuwaiti women certainly participate in social activities at which they discuss women's rights. A number of political figures and activists attend and participate in the lectures and seminars that are held at public gatherings (*diwaniyas*).

**Reply to question 17**

68. A detailed reply to this question in respect of article 9 is given in paragraphs 76–77 of the combined third and fourth periodic report of Kuwait.

## Reply to question 18

69. Education on sexual and reproductive health and rights is included in school curricula at all stages of education in a discreet but clear manner. These topics are addressed in the following way:

The sex education curriculum covers:

- Sexual reproduction: definition and importance
- Male and female reproductive systems
- Sexually transmitted diseases and AIDS
- Sexual ethics and morals

The reproductive health curriculum covers:

- Conception
- Pregnancy (foetal membranes, placenta and umbilical cord)
- Childbirth
- Breastfeeding
- In vitro fertilization
- DNA
- Sex characteristics
- Human genetics
- Genetic engineering

The rights curriculum covers:

- (a) Topics included in all school curricula;

Specific special topics such as the Constitution and human rights, including:

- Definition of human rights
- Types of human rights
- Importance of human rights
- General characteristics of human rights
- Sources of human rights
- International human rights organizations
- International humanitarian law
- Examples of human rights (the right to life, the right to equality and non-discrimination, the right to human dignity and the prohibition of torture, the right to freedom of belief, the right to freedom of opinion and speech, the right to education, women's rights, rights of the child, political rights and duties)
- With regard to women's rights, students are taught how women's rights have been violated throughout history, the importance of women's rights, women's rights in Islam, women's rights in international instruments and women's rights in the Constitution of Kuwait

## Reply to question 19

70. Women play a significant role in education, as the following tables show.

### Number of female teachers in public, private and specialized education by educational specialization, 2009–2010

Topic	Level								
	Preschool	Primary	Intermediate	Secondary	Technical	Private	Special	Adult	Religious
General studies	4 703	-	-	-	-	3 224	19	-	-
Music	269	606	220	94	37	101	21	-	-
Islamic education	-	2 149	717	451	45	554	59	191	84
Arabic language	-	3 999	1 305	792	39	1 126	84	317	42
English language	-	2 710	1 206	745	26	1 013	41	263	29
Mathematics	-	2 835	1 113	614	58	617	56	227	19
Information technology	-	716	472	294	22	222	15	77	13
Science	-	2 208	897	1 133	50	625	64	169	22
Social studies	-	1 087	659	928	54	416	50	143	21
Physical education	-	1 410	452	300	45	282	35	-	6
Art	-	1 255	391	134	21	205	29	-	-
Life skills	-	269	-	-	-	18	2	-	-
Citizenship	-	45	-	-	-	-	-	-	-
Self-study	-	24	-	-	-	-	-	-	-
Public speaking	3	9	1	-	-	-	29	-	-
Practical studies	-	-	473	59	15	-	76	-	-
Family studies	-	-	853	386	44	90	45	-	18
French language	-	-	-	208	7	84	-	42	1
Library science	-	-	-	40	-	3	-	-	-
Commerce	-	-	-	56	2	41	-	-	-
Additional languages	-	-	-	-	-	40	-	-	-
Elocution	-	-	-	-	-	80	-	-	-
Pedagogy	-	-	-	-	-	-	65	-	-
Preschool teaching	-	-	-	-	55	-	-	-	-
<b>Total</b>	<b>4 975</b>	<b>19 322</b>	<b>8 759</b>	<b>6 234</b>	<b>520</b>	<b>8 741</b>	<b>690</b>	<b>1 429</b>	<b>255</b>

### Number of women university lecturers and university students, 2008–2009

College	Lecturers	Students
College for Girls	10	695
Social Sciences	24	2 033
Dentistry	4	20
Pharmacy	2	17
Management	10	1 756
Islamic Law	9	696

<i>College</i>	<i>Lecturers</i>	<i>Students</i>
Teaching	31	3 188
Paramedicine	24	642
Architecture	18	1 761
Medicine	41	324
Science	64	1 712
Literature	45	1 676
Law	3	1 076
Health Sciences Centre		118

## Reply to question 20

71. Women have access to all fields of vocational training at the Public Authority for Applied Education and Training, as reflected in the 2010/11 statistics.

### Public Authority for Applied Education and Training, 2010–2011

<i>College</i>	<i>Number</i>
College of Basic Education	1 286
Nursing Institute	349
College of Business Studies	1 071
College of Technological Studies	203
College of Health Sciences	259

### Training institutes

<i>Institute</i>	<i>Number</i>
Specialized training courses – Technician	4 010
Specialized training courses – Technical assistant	47
Telecommunications and Navigation Institute	1 082
Nursing Institute (for those without secondary school qualifications)	138
Secretarial and Office Work	881
Institute of Tourism and Beauty	265

## Reply to question 21

72. The Ministry of Social Affairs and Labour is currently implementing a project for the economic empowerment of women. The development plan includes the following:

### Paragraph 8

- Increase the participation rate of Kuwaiti men and women in economic activity from the December 2008 rate of approximately 59 per cent of men and 43 per cent of women, in particular attractive economic activities suited to the skills and qualifications of the labour force and to the financial and commercial situation

**Paragraph 12**

- Support small and medium-sized enterprises and businesses (approximately 150 small enterprises) and endeavour to diversify their activities and integrate them into major projects

73. In addition to seeking to raise participation rates in economic activities suited to the qualifications and skills of the national labour force and to the financial and commercial situation, the Ministry endeavours to provide an appropriate environment for small enterprises for Kuwaiti women and youth (see tables in annex 7).

**Reply to question 22**

74. A detailed reply to this question in connection with article 6 is provided in paragraphs 63–65 of the third and fourth combined report of the State of Kuwait.

75. The State of Kuwait is concerned to combat all forms of human trafficking. The Ministry of Interior funded a basic workshop on protecting the victims of human trafficking and investigating traffickers, held by the International Organization for Migration (IOM) in Kuwait from 6 to 10 March 2011, under the auspices of the Deputy Prime Minister and the Minister of Interior. This was the fourth in a series of activities carried out by IOM in partnership with the Ministry of Interior. Another advanced workshop on the same topic was held from 13 to 17 March 2011 to focus on this important issue and to enable participants to benefit from international expertise. Both sessions were supervised by experts from IOM and national experts.

**Reply to question 23**

76. Indecent assault, obscene acts, incitement to acts of prostitution or debauchery, defamation and insult are offences punishable by law under articles 191, 198–201 and 209–210 of the Criminal Code, whether they occur in the workplace or elsewhere.

**Reply to question 24**

77. Article 175 of the Criminal Code provides that: “No penalty shall be imposed on any person with the necessary expertise who induces an abortion in the sincere belief that doing so is essential in order to preserve the life of a pregnant woman.” Moreover, article 12 of Act No. 25 of 1981 on the practice of human medicine, dentistry and paramedicine, provides that: “A doctor may perform an abortion only in order to save the life of a pregnant woman. However, if the pregnancy has not exceeded four months, abortion is permitted under the following conditions: (a) If the continuation of the pregnancy would harm the physical health of the mother; or (b) If it is established that the foetus would be born with a serious physical or mental defect and if the spouses agree to an abortion.” In other words, abortion is permitted on grounds of the health of the mother and the foetus.

78. Given that Islamic law is the principal source of legislation in Kuwait, we attach herewith legal opinion No. 19 of 2009 issued by the Ministry of Endowments and Islamic Affairs, which clarifies the sharia opinion on this issue (annex 5).

## Reply to question 26

79. The State of Kuwait encourages persons with disabilities to enrol in mainstream schools. The idea is to integrate persons with disabilities into mainstream schools in two ways, namely:

- (a) Partial integration, by establishing special classes for persons with disabilities in mainstream schools, with a maximum class size of eight pupils;
- (b) Full integration, by integrating a group of 5 persons with disabilities, at most, in a class of 15 regular students, at most.

As a result of the integration policies, parents have been encouraged to enrol their children in mainstream schools.

### Number of girls with disabilities in mainstream schools, 2007/08

<i>Stage</i>	<i>Number</i>
Preschool	35
Primary	226
Intermediate	119
Secondary	30
<b>Total</b>	<b>410</b>

## Reply to question 27

80. The State of Kuwait assists the Office of the United Nations High Commissioner for Refugees in accordance with the Cooperation and Office Agreement signed by both parties in 1996, whereby the State of Kuwait temporarily hosts men and women covered by the UNHCR mandate until they are transferred to another country for resettlement. In this way, Kuwait complies with the principle of non-refoulement, cooperates with UNHCR and supports humanitarian efforts.

## Reply to question 28

81. The Kuwaiti Constitution provides that the religion of the State is Islam and that Islamic law is a principal source of legislation. Matters relating to personal status, marriage, divorce and inheritance are governed by Islamic law, as clarified in the combined third and fourth report of the State of Kuwait.

## Reply to question 29

82. Matters relating to personal status, marriage, divorce and inheritance are governed by Islamic law, as clarified in the combined third and fourth report of the State of Kuwait. A copy of the Constitutional Court ruling with regard to the passports of wives is attached to the present document as annex 6.

**Reply to question 30**

83. The State of Kuwait has previously clarified that it does not consider itself bound by article 16, paragraph 1 (f) of the Convention as it conflicts with the provisions of Islamic law; Islam is the official State religion.

**Reply to question 31**

84. The Personal Status Code regulates matters relating to marriage. Moreover, Act No. 31 of 2008 requires prospective spouses to undergo medical examinations; marriages may only be concluded and documented on presentation of a certificate of medical fitness issued by the Ministry of Health.

**Reply to question 32**

85. Decree No. 105 of 2011 approving the amendment to paragraph 1 of article 20 of the Convention on the extension of the meeting time of the Committee on the Elimination of Discrimination against Women was issued on 4 March 2011. An acceptance document in this regard has been issued and transmitted to the United Nations.

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