Concluding comments of the Committee - CEDAW : Kuwait. 18/03/2004. A/59/38,paras.55-84. (Concluding Observations/Comments)

Convention Abbreviation: CEDAW

Committee on the Elimination of Discrimination against Women

Thirtieth session (12-30 January 2004)

Kuwait

Concluding comments of the Committee

Introduction

55. The Committee commends the State party for its combined initial and second periodic report, which complies with the Committee's guidelines for the preparation of initial reports.

56. The Committee notes that reservations have been made by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention.

Positive aspects

57. The Committee notes with satisfaction that the Convention has been published in the Official Gazette, thus giving it the force of national law. It also notes the efforts made in 1999, through an Amiri Decree, to grant women their full political rights.

58. The Committee commends the establishment of institutional mechanisms for the advancement of women. The Committee also notes the existence, within the National

Assembly, of a standing committee on human rights, which is tasked with, inter alia, studying and proposing amendments to national legislation to guarantee and safeguard human rights.

59. The Committee commends the progress made in reducing the rate of female illiteracy in Kuwait. The Committee also commends the high level of education attained by girls and women in Kuwait and the high enrolment rates of girls and women at all levels of education.

Principal areas of concern and recommendations

60. The Committee expresses concern at the reservations entered by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention. While welcoming the State party's stated intention to introduce legislation during the current legislative period that is expected to create the conditions for the withdrawal of the reservation to article 7 (a), the Committee is concerned at the failure of the State party to ensure that women have, on equal terms with men, the right to vote in all elections and public referendums, and to be eligible for election to all publicly elected bodies. The Committee considers the lack of political rights of women a very serious limitation of their rights, which also has a significant negative impact on women's enjoyment of other rights protected under the Convention.

61. **The Committee calls upon the State party to take all necessary steps, as a matter of the utmost urgency, to introduce and actively support the adoption of legislation to amend the discriminatory**

provisions of the Electoral Law in line with the constitutional guarantee of equality and in order to ensure compliance with the Convention. The Committee encourages the State party to expedite the necessary steps for the withdrawal of its reservation to article 7 (a) of the Convention, which it believes to be contrary to the object and purpose of the Convention. The Committee draws the State party's attention to its general recommendation 23, on women in political and public life. The Committee also calls upon the State party to expedite the necessary steps for the withdrawal of its reservations to article 9, paragraph 2, and article 16 (f) of the Convention. The Committee draws the State party's attention to its general recommendation 21, on equality in marriage and family relations. The Committee requests the State party to provide, in its next report, comprehensive information on the effect of its reservations on the implementation of the provisions of the Convention and the situation of women in Kuwait, and in this regard, draws attention to its statement on reservations See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I, sect. A. **and its guidelines for the preparation of reports.**

62. The Committee is concerned that, although the Constitution of Kuwait embodies the principles of the Convention, there is a lack of clarity with regard to the primacy of the Convention over conflicting or contradictory national laws, and the

direct applicability and enforceability of the Convention in Kuwaiti courts.

63. **The Committee requests the State party to ensure the primacy, direct applicability and enforceability of the Convention within the national legal framework of Kuwait. The Committee recommends that the State party launch a comprehensive programme of dissemination, education and training on the Convention, in particular for government officials and legislators, as well as judicial officers, including law enforcement officials and the judiciary, and for civil society and the public at large with a view to ensuring that the provisions of the Convention are known and implemented in Kuwait.**

64. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in articles 7 and 29 of the Constitution and contained in domestic legislation, is concerned at the lack of specific definitions of discrimination against women, in national law, in accordance with article 1 of the Convention.

65. **The Committee calls on the State party to take urgent steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention in its national legislation.**

66. The Committee expresses concern at the continuing existence of de jure discrimination against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector

Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce. The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. **The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.**

68. While commending the progressive development of the national machinery for the advancement of women in Kuwait, the Committee is concerned at the lack of clarity regarding the mandate and responsibilities of the existing institutions, in particular with regard to the coordination of gender equality initiatives across all sectors of

Government, and the human and financial resources available to such institutions. The Committee is also concerned at the lack of a comprehensive and coordinated strategy to promote gender equality and to ensure the integration of gender perspectives at all levels and in all areas of legislative and policy development.

69. **The Committee requests the State party to clarify, in its next report, the mandate and responsibilities of the various components of the national machinery, coordination among them, and the resources allocated to them. The Committee urges the State party to ensure that the national machinery involves more women at the decision-making level and is provided with adequate visibility, power and resources to effectively promote the advancement of women. The Committee also recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality and to ensure gender mainstreaming at all levels and in all areas.**

70. The Committee is concerned about the persistence of traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large, and the reflection of such stereotypes in legislation, policies and programmes.

71. **The Committee urges the State party to design, implement and strengthen comprehensive awareness-raising measures to**

foster a better understanding of equality between women and men, at all levels of society, with a view to eradicating traditional stereotypes regarding the role and responsibilities of women and men in the family and society. It also recommends that the State party encourage the media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.

72. The Committee expresses its concern at the lack of diversified employment opportunities for women despite the high level of education attained by girls and women in all areas. The Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

73. **The Committee urges the State party to increase its efforts towards accelerating the achievement of de facto equal opportunities for women and men in the area of employment through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that measures be taken to promote change concerning the stereotypical expectations of women's roles and to promote the equal sharing of domestic and**

family responsibilities between women and men.

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. **The Committee requests that the State party provide such information in its next report. The Committee also recommends that the State party take measures to increase the representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at decision-making levels, in all areas of public life.**

76. In view of the fact that the number of non-Kuwaiti nationals exceeds the number of Kuwaiti citizens in Kuwait, the Committee is concerned at the lack of information and statistical data on the situation and legal status of non-Kuwaiti women, including domestic migrant workers, in particular with regard to their employment conditions and socio-economic benefits, as well as

enjoyment of their rights to education and health.

77. **The Committee requests the State party to provide, in its next report, detailed information and statistical data on the situation of non-Kuwaiti women, in particular with regard to education, health and employment. The Committee also requests information about the availability of services and programmes for protecting women domestic migrant workers from violence and abuse and the availability of legal and administrative remedies. The Committee also requests information on steps taken to inform women migrant workers about the availability of such services and remedies.**

78. The Committee expresses concern at the lack of information about the prevalence and forms of violence against women and girls, including domestic violence, and about the programmes and services available to victims of violence.

79. **The Committee requests the State party to recognize that violence against women constitutes a violation of the human rights of women under the Convention. It urges the State party to undertake the systematic collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as well as research into the extent and root causes of such violence, including against women migrant workers and non-Kuwaiti women, and to provide such information in its**

next report. In the light of general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women and girls are prosecuted and punished promptly and that victims have immediate means of redress and protection. The Committee requests the State party to take measures to fully sensitize public officials, especially law enforcement officials, the judiciary and health-care providers, and to train them to handle such situations adequately. The Committee invites the State party to undertake awareness-raising measures aimed at the public at large to make such violence socially and morally unacceptable.

80. **The Committee encourages the State party to enhance collaboration and coordination with civil society organizations, in particular women's associations, to strengthen implementation of the provisions of the Convention, and to engage in consultations with such organizations when preparing its next report.**

81. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

82. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next**

periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in 2003, and its fourth periodic report, due in 2007, in a combined report in 2007.

83. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

84. **The Committee requests the wide dissemination in Kuwait of the present concluding comments in order to make the people, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. The**

Committee requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

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