



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

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

Fiftieth session

3 – 21 October 2011

**List of issues and questions with regard to the consideration
of periodic reports**

Kuwait

The pre-session working group examined the combined third and fourth periodic report of Kuwait (CEDAW/C/KWT/3-4).

General

1. Please provide information on the process of preparing the combined third to fourth periodic report (hereinafter: the report). In particular, please indicate whether non-governmental organizations were consulted, as recommended by the Committee (CEDAW/C/KWT/CO/2, at para. 80), and whether the government submitted the report to the National Assembly.

Legal status of the Convention and legislative and institutional framework

2. In its previous concluding observations (CEDAW/C/KWT/CO/2, at para. 81), the Committee recommended that the State party ratify the Optional Protocol to the Convention. In this regard, please explain why the State party has not accepted similar recommendations addressed to it during the universal periodic review of Kuwait.¹

3. With regard to article 4 of the Constitution, please explain the legal or other basis for excluding women from the Amir's hereditary succession.

4. In line with the Committee's previous recommendations (CEDAW/C/KWT/CO/2, at para. 63), please provide detailed information on the training provided to judges, lawyers, prosecutors, the police and other law enforcement officers on the legally binding character and direct applicability of the Convention, as well as on measures to enhance awareness about the Convention among the general public.

¹ See Human Rights Council, Report of the Working Group on the Universal Periodic Review: Kuwait, A/HRC/15/15, 16 June 2010, at para. 80.

5. Please provide information on the number of human rights complaints brought by women to the Supreme Human Rights Committee (see para. 29 of the report) and to the courts (see paras. 52 and 58 of the report), the types of alleged violations, and on their outcome.

6. Please also indicate whether the State party has taken concrete steps towards establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, Annex), in line with the voluntary commitment it made during the universal periodic review.²

7. Please indicate whether the State party is taking steps to incorporate a definition of discrimination against women as contained in article 1 of the Convention in its national legislation, as recommended by the Committee (CEDAW/C/KWT/CO/2, at para. 65). Are steps being taken to adopt a national plan of action and comprehensive legislation on gender equality, in line with the State party's voluntary commitments during its universal periodic review?³

Stereotypes

8. What measures have been taken to implement the Committee's recommendation (CEDAW/C/KWT/CO/2, at para. 71) to strengthen awareness-raising to foster a better understanding of gender equality, at all levels of society, with a view to eradicating traditional stereotypes about the role and responsibilities of women and men in the family and in society, excessively focusing on the maternal role of women. In particular, what measures are being taken to encourage men to participate more actively in family and domestic responsibilities and to promote images of economically and socially active women? Please describe the role of the department for family development of the Ministry of Awqaf and Islamic Affairs in this regard (see para. 92 of the report).

Violence against women

9. Please indicate the steps taken by the State party to criminalize marital rape, adopt specific criminal law provisions on domestic violence, and encourage women victims to report incidents of domestic and sexual violence to the police, including by providing legal, medical and psychological assistance and adequate temporary shelters for victims. Please provide statistical data on the number of reported cases of domestic and sexual violence, the number of criminal investigations and prosecutions, the sentences imposed on perpetrators and on any compensation provided to victims since 2005, disaggregated by sex, age, nationality and relationship between victim and perpetrator.⁴ Please also indicate the measures taken to train judges, prosecutors and the police on adequate responses to, and to sensitize the general public on the criminal nature of such acts.⁵

10. What steps is the State party taking to ease the burden of proof on women victims of domestic violence to file a petition for divorce based on injury from abuse, which currently requires two male witnesses or one male and two female witnesses to attest to the injury?

² See Human Rights Council, Report of the Working Group on the Universal Periodic Review: Kuwait, A/HRC/15/15, 16 June 2010, at paras. 79.13 and 79.17-79.20.

³ See Human Rights Council, Report of the Working Group on the Universal Periodic Review: Kuwait, A/HRC/15/15, 16 June 2010, at paras. 79.4 and 79.45. See also Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/15/15/Add.1, 13 September 2010, at para. 82.14.

⁴ See Human Rights Council, Report of the Working Group on the Universal Periodic Review: Kuwait, A/HRC/15/15, 16 June 2010, at paras. 79.7 and 79.56.

⁵ See CEDAW/C/KWT/CO/2, at para. 79.

What is the legal definition of injury in this context? Is legal aid available to non-citizen women seeking divorce from a Kuwaiti man based on domestic violence?

11. Please indicate whether the State party considers increasing the penalties for honour crimes, currently being treated as misdemeanors.

Trafficking and exploitation of prostitution of women

12. Please provide information on measures taken to adopt legislation specifically criminalizing trafficking in human beings, in particular women and girls, prosecute perpetrators of trafficking-related offences, review the lenient sentencing policy, decriminalize victims and provide them with temporary residence, shelter and social assistance (see paras. 65-68 of the report). What measures are taken to protect women and girls who are victims of trafficking from employers abusing them, withholding their passports or otherwise violating their rights or restricting their freedom of movement?

13. Please indicate whether the State party considers reviewing the very strict standard of proof applied by the courts and the Criminal Investigation Division for determining whether women are forced into prostitution against their will, i.e. evidence of coercion such as locked doors and barred windows. Are non-citizen women who are victims of forced prostitution granted residence permits and provided with social rehabilitation?

Participation in political and public life and decision-making

14. What measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, are being taken or envisaged by the State party to increase the number of women in elected and appointed decision-making positions, such as women deputies in the National Assembly, women Ministers, women judges and women Ambassadors (see paras. 69, 72 and 75 of the report)?⁶ What measures are being taken to enforce the law prohibiting tribal primaries for elections to the National Assembly in cases where women are excluded from such primaries?

15. Please provide information on the number of licensed as well as unlicensed women's NGOs promoting equal rights and opportunities for women and men, and indicate whether any such NGOs were licensed since 2004 (see paras. 71 and 74 of the report). What steps are being taken to ensure adequate funding and legal status for unlicensed women's NGOs?

16. Please provide information on opportunities for women to participate in public gatherings ("diwanias") to discuss women's rights and the advancement of women.

Equal rights to nationality

17. Please indicate whether the State party considers withdrawing its reservation to article 9, paragraph 2, of the Convention, with a view to ensuring that Kuwaiti women married to non-citizen men may transfer their nationality to their children as a rule and not only in specific circumstances (see para. 76 of the report). What steps are being taken to amend or repeal other discriminatory provisions with regard to acquisition, change and retention of nationality from its Nationality Act No. 15/1959, as recommended by the Committee (CEDAW/C/KWT/CO/2, para. 67)? What steps are being taken to ensure equal conditions for non-citizen women and men who are married to Kuwaitis to acquire citizenship?

⁶ See CEDAW/C/KWT/CO/2, at para. 75.

Education

18. Please indicate whether education on sexual and reproductive health and rights is included in the regular school curricula.

19. Please provide information on the number of women enrolled in universities, as well as on the number of women teachers (see para. 42 of the report), disaggregated by levels of education and subjects taught; and university professors.

20. Please clarify whether women have access to vocational training in all fields of employment, including non-traditional fields (see para. 81 of the report), and provide disaggregated data on the number of women and girls participating in vocational training.

Employment

21. Please provide information on the measures, including temporary special measures, taken by the State party to promote women's access to employment, in particular to decision-making positions, including in the private sector (see para. 83 of the report), and to end vertical and horizontal segregation in the labour market. Please indicate whether gender pay gaps exist in the public or private sectors and describe any measures to reduce such pay gaps.⁷

22. Please provide information on measures taken to combat exploitative working conditions of non-citizen women and girls employed as domestic workers, in particular on measures to protect them from violence and abuse by their employers and to ensure their rights to an adequate minimum salary, free time and rest, safe working conditions, freedom to unionize and bargain collectively, and freedom to change employers without having to seek permission from their original sponsors (see para. 64 of the report).⁸

23. Does the State party consider adopting specific legislation on sexual harassment in the workplace?

Health

24. Please indicate whether the State party has taken steps to review its legislation on abortion, with a view to including other grounds for performing legal abortions, in addition to threats to the life of the mother, such as rape or medical or social indications. What concrete measures have been taken to develop a sexual and reproductive health programme, including a formal family planning programme?

Disadvantaged groups of women

25. Please indicate whether the State party is taking any measures, including temporary special measures, to ensure free access to education, health care and birth certificates for stateless (Bidoon) women and girls (see paras. 7-8, 24 of the report).

26. What concrete measures, including temporary special measures, is the State party taking to promote access to mainstream education (see para. 8 of the report), employment and cultural activities for women and girls with disabilities?

27. Please provide information on any measures taken or envisaged to regularize the status of refugees recognized under the mandate of UNHCR in order to provide them with access

⁷ See CEDAW/C/KWT/CO/2, at para. 73.

⁸ See CEDAW/C/KWT/CO/2, at para. 77. See also Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/15/15/Add.1, 13 September 2010, at paras. 82.18-82.19.

to basic rights, including education and health care for refugee women and girls. In this regard, please indicate whether the State party considers acceding to the 1951 Convention on the Status of Refugees and its 1967 Protocol.

Equality before the law

28. What measures is the State party taking to ensure that the testimony of women carries equal weight as that of men in proceedings before the family courts, where the testimony of one man is equal to that of two women?

Marriage and family

29. What steps is the State party taking to bring discriminatory provisions contained in its Personal Status Act into conformity with the Convention, including the prohibition for Muslim women to marry non-Muslim men, restrictions on women's right to divorce (see para. 112 of the report), as well as on the inheritance rights of Sunni women who must share their deceased husband's property with his male relatives, and the possibility for husbands to apply for travel bans to be imposed on their wives?⁹

30. Please indicate whether the State party considers withdrawing its reservation to article 16, paragraph 1 (f), of the Convention, as recommended by the Committee (CEDAW/CKWT/CO/2, at para. 61).

31. Please indicate whether the State party is taking steps to raise the minimum age of marriage for women and men from 15 and 17 years, respectively (see para. 110 of the report), to 18 years, as recommended by the Committee. What measures are being taken to prevent even earlier marriages within tribal groups?

Amendment to article 20, paragraph 1, of the Convention

32. Please describe any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

⁹ See CEDAW/C/KWT/CO/2, at paras. 66-67.