



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

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Committee on the Elimination of Discrimination against Women

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

Combined third and fourth periodic report of States parties

Kuwait*

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

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I. Introduction

1. Women play a major and essential role in the life of society. God has conferred upon them the distinction of maternity and equipped them with the vital physical and mental wherewithal that qualifies them, in appropriate circumstances, to be carers, nurturers and teachers at one and the same time. The peoples of the earth are in unanimous agreement concerning this unique role played by women, which began to develop and grow from one era to the next and on into our modern era of today, where women now occupy the highest positions, take on enormous tasks and are relied upon in countless matters.

2. Given the international belief in this role, numerous conventions were elaborated to guarantee to women their rights and other basic principles. Among these was the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979. This Convention comprises a series of articles proscribing, prohibiting and forbidding any form of racial discrimination, any restriction of women's freedoms and rights, and anything that thwarts or diminishes their capacities for enjoyment of the rights guaranteed to them under the Convention.

3. Kuwait has devoted great attention to the rights of Kuwaiti women, striving hard to meet the requirements on that score and thereby guarantee women's enjoyment of all of the rights and basic principles that assure them of a decent life and secure their effective involvement in the construction of Kuwaiti society. Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Amiri Decree No. 24 of 1994. The Government of Kuwait includes several female ministers and women also hold important positions of leadership in various ministries. The State's efforts have furthermore culminated in the operationalization of women's rights, with women having won a number of seats in the Kuwaiti National Assembly. Indeed, they succeeded in making a formidable entry into that political arena; the members of the Kuwaiti Parliament include four women, which clearly indicates the extent of freedom enjoyed by women in Kuwait.

4. Kuwait will address various aspects of the Convention in this report, which is composed of three parts: part I forms the introduction; part II comprises the core document, consisting of: A. General information on Kuwait; B. General framework for the protection and promotion of human rights; and C. Information on non-discrimination, equality and available remedies; whereas part III is devoted to legislative, judicial and administrative measures taken by Kuwait to implement the articles of the Convention.

II. Core document

A. General information on Kuwait

Demographic, economic, social and cultural features

5. Kuwait is located in the north-western corner of the Arabian Gulf between latitudes 28° 45' and 30° 05' and longitudes 46° 30' and 48° 30'. Its official language is Arabic and its religion is Islam. It has a total surface area of 17,818 square kilometres and a population numbering over 3 million inhabitants. It is a member of the Gulf Cooperation Council, the League of Arab States, the Organization of the Islamic Conference and the United Nations. On the economic front, Kuwait is one of the world's major oil producers and exporters and a founding member of the Organization of the Petroleum Exporting Countries. Given its

geographical location in the desert region, Kuwait has a continental-type climate characterized by long, hot and dry summers and short, warm and sometimes rainy winters.

6. Kuwait is regarded as a developed country in terms of its social indicators; in 2008, the adult literacy rate stood at 99 per cent, the primary and intermediate enrolment ratio at 100 per cent and the average annual per capita income at US\$ 43,100.

7. Kuwait is committed to the delivery of free health care at all levels as a human right, in accordance with articles 10, 11 and 15 of the Kuwaiti Constitution. It has a total of 87 primary health-care centres, 6 public hospitals and 3 specialist medical centres. Health services are provided on a fair and equal basis to all individuals (citizens, residents, the aged, children, persons with special needs, women, young people, employees and so on).

8. Kuwait takes a close interest in realization of the right to education. Education has been provided free of charge at all levels from kindergarten to university since 1965 and is compulsory at the primary and intermediate stages. Spending on education accounted for 14 per cent of the State budget in 2008. Kuwait also successfully brought the illiteracy rate down to 3.5 per cent in 2009 and has devoted attention to the education of persons with disabilities by providing comprehensive education services and additionally integrating such persons into the general education system or establishing special schools for them.

Constitutional, political and legal structure of the State

9. Kuwait is an independent, fully sovereign Arab State. Its religion is Islam, its official language is Arabic and its form of government is democratic. As stated in an explanatory note to the Constitution, this democratic system adopted by the latter is seen as a compromise between the parliamentary and presidential systems, indicating the embodiment of basic democratic principles. Kuwait's system of government thus operates on the constitutional principle of the separation of powers and cooperation among them.

10. One entire part of the Kuwaiti Constitution, divided into five chapters, is devoted to these powers. Chapter I states that the legislative power is vested in the Amir and the National Assembly, in accordance with the Constitution; that the executive power is vested in the Amir, the Cabinet and ministers; and that the judicial power is vested in the courts, which exercise it in the name of the Amir within the limits set by the Constitution.

11. Chapter II of the above-mentioned part of the Constitution deals with the powers of the Head of State, as follows:

(a) He exercises his powers through his ministers and appoints the Prime Minister, whom he may also remove from office;

(b) He is the Commander-in-Chief of the Armed Forces and he appoints and dismisses officers in accordance with the law;

(c) He issues implementing regulations to give effect to laws, as well as such regulations as are necessary for the organization of public departments and administrative bodies in the State;

(d) He appoints civil and military officials and political representatives to other States.

12. The Amir also exercises other powers in addition to those above, namely:

Legislative power: Under article 79 of the Constitution, the legislative power is vested in the Amir and the National Assembly, which comprises 50 members, elected directly by universal suffrage and secret ballot for a term of four years. This is the body that is empowered under the Constitution to pass legislation. Chapter III of this part of the Constitution sets forth provisions relating to the legislative power.

Executive power: Executive power is vested in the Amir and the Cabinet, which has control over State departments, formulates the general policy of the Government, oversees its implementation and supervises the performance of work in governmental administrative bodies. Each minister supervises the affairs of his Ministry and carries out the general policy of the Government. He also formulates directives for his Ministry and oversees their implementation.

Judicial power: Judicial power is vested in the courts, which exercise it in the name of the Amir. The independence of the judiciary is guaranteed by the Constitution and by law. The underlying principle is that the honour of the judiciary and the integrity and impartiality of judges are the bases of governance and a guarantee of rights and freedoms. Judges, in administering justice, are not subject to any authority. The law guarantees the independence of the judiciary and the safeguards and provisions relating to judges. The Constitution devotes a separate chapter to the judicial power so as to secure its independence.

B. General framework for the protection and promotion of human rights

13. On this subject, it is first of all worth mentioning that the State of Kuwait has acceded to a number of international human rights conventions, as follows.

<i>No.</i>	<i>Name of Convention</i>
1.	Slavery Convention of 1926
2.	Protocol amending the Slavery Convention of 1926
3.	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
4.	International Convention on the Elimination of All Forms of Racial Discrimination
5.	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
6.	International Convention on the Suppression and Punishment of the Crime of Apartheid
7.	Convention on the Rights of the Child
8.	Convention on the Elimination of All Forms of Discrimination against Women
9.	Convention on the Prevention and Punishment of the Crime of Genocide
10.	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
11.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
12.	International Covenant on Civil and Political Rights
13.	International Covenant on Economic, Social and Cultural Rights
14.	International Convention against Apartheid in Sports
15.	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

<i>No.</i>	<i>Name of Convention</i>
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16.	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
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14. In addition to the above, Kuwait has taken the necessary constitutional and legal steps to accede to the Convention on the Rights of Persons with Disabilities. At the regional level, Kuwait has signed the Arab Charter on Human Rights, which is currently before Kuwait's National Assembly.

15. Another consideration to be taken into account is that the Kuwaiti Constitution serves as the political and legal umbrella for human rights principles in Kuwait generally. Numerous pieces of Kuwaiti legislation relating to matters of human life had also been enacted before the Constitution was promulgated, the aim of which was to provide justice safeguards for individuals in Kuwait. This legislation included in particular the Criminal Code and the Code of Criminal Procedure, both of which date from 1960. The Constitution itself is clearly concerned with human rights, with the effort to achieve a better future with greater prosperity for the homeland and with the Arab tradition of attachment to individual personal dignity and the interests of the country.

16. As befits the importance of human rights, most provisions in the Constitution enshrine the principles on which the international community holds a firm position, enunciated in the relevant international instruments. With a view to upholding these principles still further, the Constitutional Court was established pursuant to Act No. 14 of 1973 in order to ensure that rights and freedoms are guaranteed, safeguarded and applied to the fullest extent.

Human rights principles contained in parts I and II of the Constitution

17. The Kuwaiti Constitution attaches the utmost importance to rights and freedoms. It therefore makes explicit provision for them in the majority of its articles, including as follows:

- The people are the source of all powers; sovereignty, resident in the people, belongs to the community (art. 6)
- Justice, equality and liberty (art. 7)
- Protection of the family, maternity, childhood and youth (arts. 9 and 10)
- Care and social security for all citizens in old age, sickness or the event of incapacity to work (art. 11)
- Free education guaranteed and promoted by the State (art. 13)
- Promotion of science and literature and encouragement of scientific research (art. 14)
- The right to health care (art. 15)
- The right of individuals to own property, and the sanctity and protection of public property (arts. 16 and 17)
- The inviolability of private property in that no one's property may be expropriated except in the public interest under the circumstances specified by law and subject to the condition that fair compensation is paid (art. 18)
- The right to hold public office (art. 26)

Human rights principles contained in part III of the Constitution

18. This part is devoted to public rights and duties. It contains many of the principles enshrined in international human rights treaties, as follows:

- Citizenship may be withdrawn or withheld only within the limits prescribed by law (art. 27).
- No Kuwaiti may be exiled from his country (art. 28).
- Equality, with no discrimination on the grounds of race, origin, language or religion; all citizens are equal before the law in public rights and duties (art. 29).
- Freedoms and rights, such as personal freedom (art. 30), freedom of belief (art. 35), freedom of opinion and scientific research (art. 36), freedom of the press, printing and publishing (art. 37), freedom of private life and residence (art. 38), freedom of communication by post, telegraph and telephone, and freedom to form associations and trade unions (art. 43), and the right of assembly (art. 44).
- No individual may be arrested, imprisoned, tortured, compelled to reside in a specific place or have restrictions placed on his personal freedom, residence or movement. Torture and degrading punishment are prohibited (art. 31).
- There is neither crime nor penalty except as provided by law (art. 32).
- An accused person is presumed innocent until his guilt is established at a lawful trial at which the necessary safeguards for exercise of the right of defence are guaranteed (art. 34).
- The right to free education at all levels, in addition to which education is compulsory at the primary level (art. 40).
- The right to work (art. 41).
- The extradition of political refugees is prohibited (art. 46).
- Persons with low incomes are exempt from taxation (art. 48).

Principles contained in part IV of the Constitution

19. The five chapters comprising this part define the bases of the system of government in the State, as well as the three powers and their specific features and functions. The principle of the separation of powers is enshrined in article 50. Chapter V of this part sets out important fundamental principles concerning the judiciary, the impartiality of which is deemed to be the basis of governance and the guarantee of rights and freedoms. The following principles are recognized:

- The principle of the independence of the judiciary and the freedom of judges from interference (art. 163)
- The principle of the right to institute legal proceedings (art. 164)

20. Established pursuant to Act No. 14 of 1973, the Constitutional Court has sole authority to interpret the text of the Constitution and to settle all disputes relating to the constitutionality of laws, decree-laws and regulations. Rulings of the Constitutional Court are binding on all and on every court.

21. When we come to consider the matter of human rights as they relate to education, we find that Kuwait has made great strides. This aspect is discussed below.

Education laws

22. As the State of Kuwait evolved over time, various laws and decrees with a bearing on education were adopted before the promulgation of the present Constitution. These are summarized below.

23. In 1955, a report on education (the Matta `Aqrawi report) was published. It recognized general human rights principles, including: (i) literacy; (ii) propagation of the spirit of democracy; (iii) the imperative to establish common compulsory education; (iv) provision of the opportunity for citizens to complete their education. It is clear from the report that the right to education is inextricably bound up with the principle of justice and equal opportunity, along with particular emphasis on basic education.

24. In 1965, the Compulsory Education Act was adopted. It provided: (a) for compulsory and free education for all boys and girls; and (b) for an eight-year period of compulsory education, which became nine years after the education system was overhauled in 2005.

25. Completing the development of Kuwait's educational system, the University of Kuwait was founded in 1966. In 1979, an Amiri decree was issued defining the areas of competence of the Ministry of Education. In 1981, in accordance with the principle of education as a right enjoyed by all, the Literacy Act was adopted. In 1987, a special act was adopted to supplement existing legislation in the matter of public education, defining education as a right of all Kuwaitis that was provided free of charge by the State.

National policies on human rights education

26. Education and human rights are closely associated in that education is recognized as a right in itself and at the same time as a means of teaching human rights. In addition to its national policies on human rights education, Kuwait has played a prominent role in this area, as illustrated below.

Arab Plan for Human Rights Education, 2009–2014

27. Kuwait led and participated effectively in the work of preparing the Arab Plan for Human Rights Education under the auspices of the League of Arab States. At the Arab Summit Conference held in Damascus in 2008, the Plan won the approval of all Arab States. Its objectives are as follows:

- (a) Integration of human rights into the education system at all levels;
- (b) Professional development and training for human resources in the field of human rights education;
- (c) Preparation of the educational environment for human rights education;
- (d) Action to broaden community participation in the task of spreading a culture of human rights.

28. The Arab Plan for Human Rights Education also focuses on general principles, in particular:

- (a) Universality and inclusiveness: all people enjoy the same rights, and there is no basis for discrimination among them;
- (b) Comprehensiveness and integration: human rights form a cohesive and indivisible whole;
- (c) Equality and non-discrimination: human rights are a right enjoyed by every individual without any form of discrimination on grounds of race, colour, gender, language,

religion, political or other opinions, ethnic, national or social origin, wealth, place of birth, or any other circumstance;

(d) Participation: all individuals and peoples have the right to participate effectively and meaningfully in social and economic development.

Supreme Human Rights Committee

29. As part of the organizational framework for human rights and for the purpose of establishing these general principles, a ministerial decree was issued in 2008 to provide for the establishment of a Supreme Human Rights Committee, the functions of which were referred to as:

(a) Fostering awareness of human rights through the various media, holding seminars and talks, and undertaking studies on human rights;

(b) Endeavouring to incorporate basic human rights concepts into the curricula in both general and higher education.

Analysis of the current situation of human rights education

30. The current situation of human rights education may be regarded as a stage in which the work accomplished in previous stages is being rounded off and completed, with the subject being taught in accordance with human values in general. The present status may be analysed as set out below.

Curricula

31. When steps were first being taken to organize official education in Kuwait, there was a clear emphasis on basic teaching and learning, as embodied in the cognitive, emotional and skills-related aspects of each. Accordingly, we may say that all human values, including human rights, peace, democracy and tolerance, form part of the school curricula. These values are inculcated through:

(a) Educational objectives in Kuwait at all levels (general, promotional, curricular and behavioural);

(b) Action to ensure that all school books contain these values, at times presenting them explicitly and at others implicitly. These concepts and values are highlighted in textbooks on Islamic religion, Arabic language, social studies and other subjects;

(c) Emphasis on daily life experiences and practical exercises in the educational setting;

(d) Numerous surveys on the presence of those values in school programmes and a mechanism for ensuring their inclusion.

32. As a result of recent changes in many aspects of education, both locally and worldwide, and also as a result of the pressing need to inculcate human values, with special emphasis on some in particular, such as human rights, democracy, peace and international understanding, Kuwait has embarked on a number of unambiguous steps along those lines. In the mid-1990s, it began to establish specialized committees to explore a mechanism for developing school curricula that deal with human rights and democracy and pave the way for the attainment of those goals.

33. In 2000, a specialized committee was established to design school curricula covering the Constitution, human rights and democracy. This was followed by the formation of drafting committees tasked with the preparation of these curricula. In 2006, a new expert

committee in the field of human rights was formed, comprising leading authorities in the fields of international law, the Constitution, human rights, political science, basic principles of education and curricula, social subjects, Arabic language and curriculum management.

34. The Committee's work has proceeded in accordance with the following steps:

- (a) Elaboration of a philosophy on the teaching of the Constitution and human rights;
- (b) Preparation of the conceptual and cognitive framework for the subject in a form that reflects the scope and continuity of the field of study in a progressive way, such that each stage serves as preparation for the next;
- (c) Formulation of the general objectives of the subject;
- (d) Formulation of the specific objectives for each grade;
- (e) Preparation of the study material and related activities;
- (f) Subdivision of the study material in accordance with the following procedure:
 - (i) Grade 10: Principles of democracy, the Constitution and human rights;
 - (ii) Grade 11: Human rights: a grasp of the concept and its importance, features and origins, together with detailed study of particular human rights, such as the right to life, equality, human dignity, freedom of belief, opinion and expression, education and learning, the rights of women, the rights of children, political rights and the duties of the individual;
 - (iii) Grade 12: The Constitution and public powers.

35. The Committee has completed a number of its tasks, including the following:

- (a) Establishment of an intellectual and cognitive basis for the subject that distinguishes it from other subjects and endows it with an appropriate measure of distinctiveness, especially inasmuch as the subject comprises an array of intellectual, educational, legal and political components;
- (b) Emphasis on direct, goal-oriented teaching with a view to ensuring that the pupil derives maximum benefit from his study of the subject, retains a sound understanding of the technical terms involved, and obtains a good grasp of the content;
- (c) Preparation of a teacher's guide;
- (d) Keeping in touch with the field through meetings and educational symposiums;
- (e) Organization of a training course for male and female instructors in social subjects;
- (f) Organization of a training course for male and female teachers of the Constitution and human rights.

The philosophy of the Constitution and human rights curriculum

36. It is of the utmost importance for pupils to possess an understanding of the concepts of democracy and their meanings, the parts of the Constitution and its laws, and human rights and their aims, in a straightforward, undirected legal and educational context, to enable them to acquire, as they grow up, an abundant body of valid knowledge and sound thinking, understanding that the differences between States and individuals in their

understanding of democracy and its applications are by no means analogous to differences or anything else that may affect our national unity.

37. In the light of the foregoing discussion, the philosophy of the Constitution and human rights curriculum is clearly built on:

(a) The importance of the Constitution and its contents, including articles that govern the relations between individuals and the governing power or between one individual and another, articles that organize their lives in all spheres of political, economic and social activity, and articles that safeguard their rights and prescribe their duties;

(b) The view that human rights are universal and an integral part of human life, indeed, the basis of human existence, happiness and welfare; human dignity, justice, equality and all that is conducive to the well-being and prosperity of individuals and society are realized only through them. A comprehensive view is presented.

38. The Constitution and human rights philosophy is realized through general educational concepts (knowledge, values, attitudes, skills and applications) within the following frameworks:

Knowledge: Through the presentation of facts and information relating to the Constitution and human rights for the purpose of forming a firm structure of knowledge, awareness and understanding of the importance of the Constitution and human rights.

Values and attitudes: Through the presentation of the values associated with the Constitution and human rights for the purpose of forming a positive attitude toward them and a sense of their importance for individuals and society.

Skills and applications: Through social skills and study skills and practical application in various situations relating to the Constitution and human rights.

39. Islamic law, i.e., the sharia, the provisions of the Constitution and the law, and international instruments are the foundation stones of the philosophy of the Constitution and human rights curriculum and the guide to the content and objectives of the curriculum.

40. On the basis of the philosophy of the Constitution and human rights curriculum, the goal is to strengthen pupils' attachment and allegiance to the homeland through personal development in its intellectual, emotional and social aspects, and to apply this in their working lives through the following general objectives:

- Pupils' awareness of the importance of democracy, the Constitution and human rights
- Pupils' familiarity with facts and information relating to democracy, the Constitution and human rights
- Preparation of pupils for life experience in accordance with the principles of democracy, the Constitution and human rights
- Enabling pupils to strengthen and interiorize the human values related to the Constitution and human rights
- Fostering positive attitudes in pupils towards democracy, the Constitution and human rights
- Development of pupils' allegiance and attachment to their country
- Development of critical thinking skills in pupils

41. The Constitution and human rights curriculum has been taught since the 2006 school year, beginning with grade 10 in that year and continuing with grade 11 in 2007 and grade 12 in the 2008 school year.

The teacher

42. The success of any educational project depends to a large extent on the teacher, because it is in fact he who implements the educational programmes and projects. He is also the real connecting link between the field and decision-makers. This importance of the teacher was decisive with regard to the organization of specialized training courses. The Ministry of Education consequently:

- (a) Enrolled some teachers and technical instructors in local, regional and international specialized training courses and workshops on the teaching of human rights, international humanitarian law and democracy;
- (b) Organized training courses for technical instructors;
- (c) Organized training courses for teachers under the supervision of technical instructors;
- (d) Organized seminars and discussion groups to promote awareness of democracy and human rights education;
- (e) Organized media campaigns on those concepts and how they are taught.

The pupil

43. The Ministry of Education attaches particular importance to pupils in the field of democracy and human rights education, as is clear from the following indicators:

- (a) The implicit teaching of topics with a bearing on human rights and democracy in all programmes;
- (b) The teaching of specialized subjects at the intermediate level, such as proficiency in the Constitution, elections, and non-violence;
- (c) The teaching of the Constitution and human rights as a subject at the secondary level;
- (d) The organization of a yearly competition on democracy and the Constitution;
- (e) The organization of various competitions on such matters as research, reports and illustrations with a bearing on human rights;
- (f) Emphasis on those concepts through in-class and extracurricular activities;
- (g) Field visits for pupils to organizations concerned with human rights, such as the Human Rights Association, the National Assembly and others;
- (h) Establishment of cultural seminars aimed at propagating awareness of the concept of human rights and democracy among pupils;
- (i) A course entitled "Human rights", with its own distinctive goals, offered by the University of Kuwait.

Teaching methods and approaches

44. Although teaching methods and approaches are tailored to the various subjects, the fact remains that the teaching of values, including, of course, human rights, has aspects peculiar to itself, owing to the difficulty of assessing it at the time it is taught; it is an

expression of a value-laden factor that must be evaluated in terms of its impact on the pupil's behaviour.

45. Training courses and technical meetings have been used to achieve emphasis on the use of methods and techniques that are expressly adapted to human rights issues, including but not limited to: (a) cooperative education; (b) approaches to the teaching of values; (c) problem-solving; (d) brainstorming; (e) dialogue and discussion; (f) mimicry. Another outcome has been a focus on particular activities, such as: field visits, research and reporting; gathering images and data; competitions; and participation in work within the school.

Teaching human rights outside the school setting

46. Owing to their cultural nature, human rights are integral and all-inclusive, like the climate, and it is consequently impossible to focus exclusively on the school setting while ignoring the environment surrounding the school. Accordingly, a major concern has been the dissemination and teaching of human rights in society as a whole, with the active involvement of civil society institutions. Here, media and communication play a prominent part in the dissemination and teaching of human rights, in contrast to the view of education as something that takes place exclusively inside school premises.

47. Kuwait has endorsed the Arab Plan for Human Rights Education, part I of which deals with human rights education in the school setting, while part II is concerned with other institutions. The objectives of the Plan in that connection are defined below.

Training

48. Training in this area is aimed at groups that have a fundamental, direct position in the field of education on individual and collective rights and are instrumental in shaping public opinion. These groups include instructors and supervisory personnel in youth associations, women's clubs, summer camps, centres for the protection of juvenile delinquents, sports clubs and civil society institutions. The training aspect of human rights education is aimed, through other education-related social institutions, at the following objectives:

- (a) Turning the training of specialists in the field of human rights education into an institutional activity;
- (b) Creating and adapting educational programmes and tools tailored for the needs of different sectors;
- (c) Encouraging partnerships, promoting relations between institutions, organizations and training centres specializing in the field of human rights and institutions involved in the fields of information and scientific, cultural and technical production, and creating effective communication among all partners.

Awareness-raising

49. This process is aimed at the various components of society, including institutions, associations and individuals, but more particularly at those who have thus far remained untouched by education and training activities in the field of human rights. Working through other education-related social institutions in the area of awareness-raising, human rights education is aimed at the following:

- Enabling a broad spectrum of groups in society to benefit from awareness campaigns focusing on human rights

- Incorporating awareness-raising of human rights into the programmes of political, economic and cultural institutions
 - Strengthening a culture of dialogue on the values, principles and concepts of human rights among all components of society
50. Possible awareness-raising programmes might include:
- Training for specialists who have had experience with awareness-raising in other fields
 - Creation of various information programmes on human rights education
 - Monitoring information programmes to determine the extent of their consistency with human rights values and principles
 - Involving cultural experts in activities designed to raise awareness of human rights
 - Operationalizing the role of mosques and places of worship in propagating a culture of human rights and using them to advantage in explaining the meaning of rights and duties

C. Information relating to non-discrimination, equality and available remedies

Judicial or administrative authorities with jurisdiction in matters covered by the Convention

51. Article 1 of the Organization of the Judiciary Act No. 23 of 1990, as amended by Act No. 10 of 1996, lays down two basic principles:

First: The courts have comprehensive jurisdiction to settle all civil, commercial, administrative and personal status disputes, as well as criminal cases. The purpose of this principle is to maintain the unity of the court system in the State so as to ensure the equality of litigants;

Second: The rules governing the type or degree of court jurisdiction are established by law. No subordinate statutory instrument may govern or alter that jurisdiction. Under the above-mentioned Act, the courts of Kuwait comprise those of cassation, appeal, first instance and summary justice.

52. In the light of the above, the following can be noted:

- Under article 166 of the Constitution, the right of recourse to the courts is guaranteed to all, and any individual who alleges that any of his rights has been violated in Kuwait has the right to go before a Kuwaiti court and claim redress for the injury he has suffered. The Organization of the Judiciary Act No. 23 of 1990 also seeks to strengthen the principle of the independence of the judiciary.
- The Code of Criminal Procedure, in accordance with international standards of justice, provides litigants with legal safeguards, including an open trial, the right to be represented by counsel, and other safeguards.
- The provisions of the Convention are implemented in accordance with the mechanism prescribed in article 70 of the Constitution:

“The Amir concludes treaties by decree and transmits them immediately to the National Assembly with the appropriate statement. A treaty has the force of law after it is signed, ratified and published in the Official Gazette. However, treaties of peace and alliance, treaties concerning

the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens, treaties concerning trade, navigation and residence, and treaties entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait, shall come into force only when provision for this is made by law. In no case may treaties include secret provisions contradicting those declared.”

53. Publication is the final phase in the legislative process and is intended to provide publicity by the executive branch as a prerequisite for application. Laws are published in the *Official Gazette* in the Arabic language within two weeks of their adoption and enter into force one month after publication. This time frame, however, may be extended or abridged by a specific provision of law. Upon its publication in the *Official Gazette* and expiration of the specified time limit, a law enters into force and thus becomes binding on all and sundry, regardless of whether they have knowledge of its publication. Publication is a prerequisite for legislation of all kinds and constitutes a directive to all agencies and authorities to apply the law in their respective areas of competence.

III. Legislative, judicial and administrative measures taken by Kuwait to implement the articles of the Convention

Article 1

54. The Kuwaiti Constitution guarantees the rights of women at all levels, including social, economic and cultural rights, providing not only for full equality of the sexes, without distinction, but also entrenching that equality through articles 6, 7, 29, 30, 35, 36, 37, 40, 41, 43, 44, 45 and 80, which articulate and strengthen the dignity, rights and duties of women. In order to put into practice the articles of the Constitution, a number of laws firmly establishing equality and non-discrimination were passed, inter alia:

- The Labour (Non-governmental Sector) Act No. 6/2010, which provides for equal pay for men and women for equal work, as the definition of an employee includes any male or female performing work for an employer in return for remuneration. Article 46 also provides that an employee may not be dismissed on account of trade-union activity, gender, colour or religion.
- The Compulsory Education Act, pursuant to which education is compulsory and free of charge for both sexes.
- The Public Assistance Act No. 22 of 1978.
- The Juveniles Act No. 3/1983.
- The Social Insurance Act, a law ensuring that men and women, without distinction, are cared for and live a decent life.

Article 2

55. The Kuwaiti Constitution is based on well-established principles, which naturally include those of equality and non-discrimination between men and women in the light of the provisions of Islamic law, as is clear from the following:

- All people are equal in human dignity and in rights and duties before the law, without distinction as to colour, language or religion, as stated in article 29 of the Constitution.

- In the light of article 29 and other articles of the Constitution, a number of domestic laws were passed to guarantee and protect women's rights, including the Kuwaiti Criminal Code, the Personal Status Act, the Housing Welfare Act, the National Workforce Support Act and the Public-interest Clubs and Associations Act.
- The Electoral Act No. 35/1962, as amended pursuant to Act No. 17/2005, which accords the same political rights to women as to men in that article 1 provides: "Every Kuwaiti having attained 21 years of age has the right to vote and stand as a candidate."

56. Concerning the substance of article 2 of the Convention, which urges the creation of an appropriate constitutional and legal entity to ensure equality and non-discrimination between men and women, as well as provide means of redress for acts of discrimination perpetrated by public bodies or by individuals, we find that there are constitutional articles and laws in place to guarantee these aspects to women, including:

- Article 166, which provides that the right of legal recourse is guaranteed to all persons and that the law shall prescribe the procedures and circumstances necessary for the exercise of that right
- The Code of Criminal Procedure No. 17 of 1960, the provisions of which set out the procedures and conditions under which criminal actions may be brought and which also ensure that litigants are provided with all of the legal safeguards guaranteed by the Kuwaiti legislature in conformity with the standards of international justice

57. The above-mentioned Code makes special provision for women in connection with the death sentence, stating that if a woman who is sentenced to death is pregnant and gives birth to a live infant, execution of the death sentence must be stayed and the matter referred to the court which passed sentence in order for the death penalty to be commuted to life imprisonment.

58. It is clear from the above that, in accordance with the above laws, women in Kuwait may seek legal recourse if any of their rights are violated. Through its numerous bodies, the judicial power ensures that all means of redress are available to women. If a woman pursues those means, the judge applies the laws in force and the provisions of the Convention forming the subject of this report, which, following Kuwait's accession thereto, passed into national law and must be therefore be applied, as mentioned earlier.

Articles 4 and 5

59. The family undoubtedly constitutes the basis of society, representing as it does the nucleus within which all concepts of community education are first constructed. The attention devoted to the family by the Kuwaiti Constitution is accordingly commensurate with its status, as is apparent from the following articles:

- Article 8: The State shall safeguard the pillars of society and shall guarantee security and equal opportunities for its citizens.
- Article 9: The family, which is based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework.
- Article 10: The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect.

60. In that light and in appreciation of the family and its status, various laws were promulgated, including:

- The Kuwaiti Criminal Code No. 16 of 1960
- The Personal Status Act No. 51 of 1984, which governs the rights relating to marriage, divorce and inheritance
- The Labour (Non-governmental Sector) Act
- The Civil Service Act
- The Public Assistance Act No. 19 of 1962, as amended
- The Housing Welfare Act No. 47 of 1993
- The Rights of Persons with Disabilities Act No. 8/2010
- Provision was made for suitable family housing, to which end the Public Housing Authority was established pursuant to Act No. 15 of 1974 in order to direct housing development operations
- Provision was made for free education
- Provision was made for free health care in order to protect the family against all disease

61. A reading of the above legislation and other laws exhibits the evident concern to ensure that there is no discrimination against women, as is evident from the following:

- Women's rights and the role of women are protected through the Personal Status Act
- Women are granted special rights in the governmental and non-governmental sectors, such as a two-month period of maternity leave with full pay, a four-month period of leave with half pay following the period of maternity leave and other leave with full pay in order to care for a sick child
- The provision of social services and training for women through 10 special community development centres

Article 6

62. The Kuwaiti Criminal Code No. 16/1960 lays down stringent penalties for the employment of women in illegal or immoral activities, with provision made for imprisonment and fines. Special measures have accordingly been taken on this score, as set out below.

Measures for the protection of domestic workers

63. Decree-Law No. 40/92 and Ministerial Decree No. 617/92 deal with the process of recruiting domestic workers from their home countries and regulate the procedures for obtaining the permits needed to bring domestic workers and others in the same category into the country. A Domestic Workers' Office has been set up under the General Immigration Department to oversee the work of agencies involved in recruiting domestic workers. Its areas of competence include:

- Implementing the provisions and rules contained in the legislation regulating the employment of domestic workers and others in the same category
- Inspecting agencies and facilities engaged in recruiting private domestic workers and others in the same category and examining their books and records with respect to such workers

- Making a record of offences, producing reports on domestic workers and transmitting those reports to the competent authorities

64. The General Immigration Department introduced a number of modifications to contracts for domestic workers in order to afford them greater protection. The resulting model three-party employment contract has been in effect since October 2007 and covers the following:

- Sets the minimum monthly wage for workers at 40 dinars, to be paid by the employer at the end of each month, without delay
- Requires the employer to determine the daily working hours for workers, in addition to one rest period or more
- Entitles workers to a one-month period of annual paid leave and ensures that domestic workers enjoy all of their rights through access to the means for a decent life provided by the minimum living requirements, namely housing, food, beverages and free medical care

65. A shelter for trafficking victims was established pursuant to Cabinet Decision No. 652, adopted at Cabinet meeting No. 20/2/2007 held on 8 July 2007, which approved the designation of a temporary shelter for migrant workers, in particular domestic workers with grievances against their employers, until such time as a permanent shelter is established. This shelter is supervised by the Ministry of the Interior (Domestic Workers' Office), in conjunction with the Ministry of Social Affairs and Labour, and is already in operation. Rules of procedure were developed for taking in residents at the shelter, which offers an array of facilities (health and psychological care, investigation services and assistance from social workers of both sexes and from offices of various embassies). The shelter has been fully fitted out with all of the essentials needed to provide accommodation, food and recreation. The premises also house a medical clinic and a clinic for psychological counselling.

Measures taken to prevent the exploitation of domestic workers in illegal activities

66. The provisions of the Kuwaiti Constitution and other laws promulgated under the umbrella of the Constitution safeguard the rights of workers, without distinction or differentiation on any grounds. In addition, the Kuwaiti legal system contains numerous provisions that serve as a basis for the punishment of any person against whom a charge of trafficking in persons is proven. An example of these provisions is article 24 bis of Amiri Decree No. 17/59 concerning the Aliens' Residence Act, which stipulates that: "Any person who facilitates an alien's acquisition of a permit to visit or reside in the country and who obtains money or benefit in return or accepts a promise of either shall be punishable by a term of imprisonment of up to 3 months and a fine of up to 3,000 dinars, or either penalty."

67. Accordingly, Kuwait's ratification of the United Nations Convention against Transnational Organized Crime and its two Protocols relating to trafficking in persons, especially women and children, and to the smuggling of migrants was altogether natural and in keeping with the principles on which the Kuwaiti legal system is built.

68. The Labour Act also regulates the process of labour recruitment, which is coordinated by the Ministry of the Interior and the Ministry of Social Affairs and Labour. All contracted workers must be in possession of a passport for inspection by the Directorate-General of Immigration Control. In the event that a worker is found not to be carrying a passport, his sponsor (company) and the worker himself are dealt with immediately.

Article 7

69. Article 20 of the Kuwaiti Constitution states that all persons are equal before the law with respect to their rights and duties, without distinction as to sex, origin, language or religion. This and other provisions unequivocally affirm Kuwait's absolute rejection of discrimination. On the basis of this firmly established principle, Kuwaiti legislation is consistently in keeping with the notion of non-discrimination. To that end and as provided in article 7 of the Constitution, various measures have been adopted, such as the amendment made pursuant to Act No. 17/2005 to article 1 of the Electoral Act No. 35 of 1963, under which women were accorded full political rights, including the right both to stand as candidates and to vote. Kuwait also withdrew its reservation to article 7 (a) of the Convention on the Elimination of All Forms of Discrimination against Women. Four women were consequently able to enter the National Assembly as deputies in 2009 and some women furthermore hold ministerial portfolios or are municipal council members.

70. As a result of women being granted their political rights, a women's voting bloc materialized; in 2006, over 58 per cent of voters registered on the electoral rolls were women and women accounted for some 50 per cent of those who cast votes.

71. With the implementation of this article, Kuwaiti women grew active in women's civil society and in civil society generally. In 2009, there were approximately 140 non-governmental organizations (NGOs), all of them with a membership that included women alongside men. Through civil society, women seek to deliver and disseminate a culture of citizenship, social cohesion, human rights and non-discrimination. Civil society also embarked on a number of initiatives to instil a political culture. Article 43 of the Constitution opens the door for both sexes to engage in civil action, thereby giving rise to the contribution by Kuwaiti women in this area and triggering their role in all other areas.

72. Women have also held various leadership positions, such as under-secretary of State, deputy assistant director-general or director in all fields of employment, including the military, as well as such positions as court auxiliary, public prosecutor and State advocate, and positions in the academic, media, economic, commercial and social action fields.

73. Neither have women been excluded from appointment to civilian or military positions at the Ministry of the Interior. They are appointed to the police force, for instance, and are promoted to all ranks in exactly the same way as men, with some reaching the grade of assistant director-general of department at the Ministry of the Interior, pursuant to Decree No. 221/2001 concerning the establishment of a supporting authority at the Ministry of the Interior, as amended by Decree No. 87/2009 and Cabinet Decision No. 109/2002.

74. Kuwait has also devoted attention to women's associations and public institutions concerned with advancing the role of women, including:

- The Higher Committee for Women, which makes concerted efforts and works unstintingly in devoting attention to the role of women in society
- The Women's Cultural and Social Association and the Federation of Kuwaiti Women's Associations
- The Women's Affairs Committee of the Cabinet, the objectives of which are, inter alia, to coordinate and support the efforts of the country's governmental authorities, civil society organizations and other bodies concerned with Kuwaiti women's issues; represent Kuwait at Arab and international forums on affairs relating to women, children and the family; hold seminars and conferences; organize gatherings to discuss and explore the areas that achieve the Committee's goals and objectives; and issue publications, studies and reports in all social, cultural, humanitarian, political, economic and media fields relating to its area of activity

Article 8

75. Kuwait remains as keen as ever to participate constructively in international conferences, particularly given the global developments in the field of women's employment. It has also cooperated with civil society and international organizations, as well as in joint activities in support of women's role, with particular reference to the United Nations Development Programme and the United Nations Fund for Women. Kuwaiti women have also participated in organizations working for women, human rights and social and human development. Kuwait, moreover, funded the publication of the Arab Human Development Report.

Article 9

76. The Nationality Act No. 15/1959 is founded on the principle employed in most laws worldwide, namely that nationality is granted on the basis of *jus sanguinis*. In other words, nationality is transmitted through the father insofar as article 8 provides that: "Any person born in or outside Kuwait to a Kuwaiti father is Kuwaiti." For reasons of humanity, however, nationality is granted in certain other cases, including as follows:

- The children of a Kuwaiti woman are granted Kuwaiti nationality in specific cases, which is a move unparalleled in various laws the world over in that nationality is immediately granted when such cases obtain, with no time requirement of the type set by other laws. This is clearly transparent in article 3, which states: "Any person who is born in or outside Kuwait to a Kuwaiti mother and whose father is unknown or whose paternity has not been legally established is Kuwaiti."
- A new second paragraph was added to article 5 of Act No. 100/1980 amending the Nationality Act No. 15/1959, pursuant to which the children of a Kuwaiti mother are granted Kuwaiti nationality if she has been finally divorced, if her spouse is deceased or if the father is a captive (art. 5/II). The Kuwaiti legislature is thus constantly striving to broaden the scope for children of a Kuwaiti mother to be granted Kuwaiti nationality in the light of developments and as warranted by humanitarian considerations.

77. In order to apply these regulations both objectively and fairly, article 21 of Amiri Decree No. 15/1959 concerning the Kuwaiti Nationality Act provides for the establishment of committees for the verification of Kuwaiti nationality in accordance with those regulations. Such committees must be established by decree and under the supervision of the Higher Committee for the Verification of Kuwaiti Nationality. These successive committees have played a part in verifying and granting Kuwaiti nationality in the cases that satisfy the necessary conditions in accordance with the regulations and criteria prescribed by law, which are applied on a basis of equality and without discrimination.

Article 10

78. Under article 4 of the Constitution, the State guarantees the right of education to all Kuwaitis in accordance with the law and in the interests of public order and decency. Education is compulsory and free at the initial levels, in accordance with the law. The same article also emphasizes the State's concern to ensure the physical, moral and mental development of young people.

79. The Compulsory Education Act No. 11 of 1965 translates into practice the constitutional terms of reference insofar as it provides in article 1 that education is compulsory for all male and female Kuwaitis from the beginning of the primary level to the

end of the intermediate level. Education is also free from kindergarten to university level. The resulting positive indicators include the following:

- The female illiteracy rate fell; the overall rate amounted to 3.5 per cent in the 2009 school year, with females accounting for 6.2 per cent, concentrated among those over 60 years of age, who represent half the number of illiterate women
- The female enrolment rate is higher for females than for males, amounting to 52 per cent according to statistics for 2008/2009

Article 11

80. The Kuwaiti Constitution affords women the right to employment and choice of work, as well as the right to engage in commercial and professional activities. This is regarded as one aspect of the economic empowerment of Kuwaiti women, with appropriate job opportunities prepared and scope provided for them to hold top positions in the governmental and private sectors. Women's empowerment can be illustrated through the descriptions below.

Women employed in the governmental sector

81. Civil service legislation (decree concerning the Civil Service Regulations of 1979) accords to women employed in the governmental sector a number of special rights designed to guarantee achievement of the balance sought between their family obligations on the one hand and their jobs on the other. These special rights include:

- A two-month period of maternity leave with full pay, a four-month period of leave with half pay following the period of maternity leave and other leave with full pay in order to care for a sick child
- Special leave in two cases, the first for family care purposes, provided that the period is not less than six months and not more than three years throughout the term of service, and the second for the purpose of an official mission or secondment
- A child benefit allowance in two cases, the first being where a child's father is deceased or is incapable of earning a living and receives no regular salary, pension or assistance from the public purse, and the second being where a woman has a child dependent and receives no maintenance from the person liable for their support
- Childcare leave with full pay in order to remain with a child who is ill or hospitalized
- If a woman has a chronic disease, she is granted sick leave by a decision of the competent medical authority for a period of not more than two years with full pay
- Any Muslim woman employed in the governmental sector whose husband dies is granted special leave with full pay for a period of 4 months and 10 days from the date of death (*'iddah* or waiting period leave)
- Women are granted sabbatical leave with full pay for the purpose of pursuing certain artistic or literary activities or carrying out specific scientific or sports tasks, at the request of the competent authorities
- Women have access to vocational training in different fields of employment, in addition to various specialized training courses organized by the General Authority for Applied Education and Training and the Community Service Centre at Kuwait University

Women employed in the non-governmental sector

82. Under the Labour (Non-governmental Sector) Act No. 38 of 1964, numerous safeguards and special rights are prescribed for women working in the non-governmental sector, including, for example:

- A 70-day period of paid maternity leave is granted to women, subject to them giving birth during that period
- Women are granted equal pay with men for the same work
- It is prohibited to employ women in industries and occupations that are hazardous and harmful to health
- It is prohibited to employ anyone of either sex who is under 15 years of age
- A woman is granted *`iddah* or waiting period leave with full pay on the death of her spouse
- Women are granted a period of two hours for breastfeeding purposes in accordance with terms and conditions set by a decision of the Ministry
- Crèches are set up for children under 4 years of age in workplaces where there are in excess of 50 female employees
- The Rights of Persons with Disabilities Act No. 8/2010 incorporates the following special rights for women caring for a disabled person:
 - If the care is for a severely disabled person, a monthly allowance set by the General Authority for Disability Affairs
 - A reduction of working hours for carers of persons with a disability, which applies to males and females alike
 - Retirement for women caring for a person with a moderate or severe disability where their period of service exceeds 15 years
 - Kuwaiti women married to non-Kuwaitis who are caring for a severely disabled child or spouse are afforded the benefit of specially adapted housing
 - Male and female civil servants with a disability are exempt from the provisions governing sick leave, as decided by the Technical Committee
 - Male and female civil servants who care for a child or spouse or who accompany carers are entitled to fully paid special leave that is non-deductible from other leave

83. The above safeguards and special rights played a part in the increasing interest of Kuwaiti women in entering the national employment market, which is clear from monitoring the trend: at 31 March 2010, the female workforce in the private sector amounted to 16,764 Kuwaiti women and 56,835 non-Kuwaiti women. The proportion participating in the job market in relation to the total number of women of working age in the country also grew, having risen from 0.7 per cent in 1957 to 41.8 per cent in 2005. The presence of Kuwaiti women in decision-making positions in the governmental and private sectors also increased; they have held several important positions, particularly since the beginning of the 1990s. Posts to which women have been appointed include those of director of Kuwait University in 1994, ambassador in 1996 and deputy at the Ministries of Education, Social Affairs and Labour, Works, and Information, culminating in the designation of a Kuwaiti woman as minister (Minister of Planning and Administrative Development), for the first time ever in the history of Kuwait, after Kuwaiti women had acquired their full political rights in May 2005.

Social safeguards

84. On the aforementioned constitutional and legislative basis, the features of an integrated social security structure or network began to take shape in Kuwait in the 1960s, comprising a diverse assortment of systems, mechanisms, institutions and expertise to guarantee and promote aspects of the social empowerment of Kuwaiti women in general. This network provides multiple umbrellas of social protection and care for eligible groups, in particular women, with the aim of protecting them against poverty, enabling them to achieve the best possible standard of living and alleviating the adverse effects of social and economic changes. The financial pledges made by the State amount to over 1 billion Kuwaiti dinars annually for government subsidies covering electricity, water, housing welfare, reduced living costs, refined products and gas, mortgage interest, marriage grants and support for the national workforce.

85. The Ministry of Social Affairs and Labour plays a pivotal role in the social security network as the agency responsible for implementing the State's general policy in the field of social solidarity and for delivering comprehensive social care to special groups through the systems described below.

Social insurance system

86. Regardless of the type of work in which they are engaged, all economically active citizens are covered by the system, which provides the following services:

- Insurance for old age, incapacity, sickness and death for civilian employees in the governmental sector and in the non-governmental and petroleum sectors
- Insurance for old age, incapacity, sickness and death for self-employed persons and others in the same category
- Work accident insurance

87. Kuwait's legislative and institutional system also underwent a qualitative change in terms of its comprehensiveness and merits with the issuance of Amiri Decree No. 61 of 1976 promulgating the Social Insurance Act, which provides for the establishment of a social insurance institution working to create a comprehensive insurance system for all Kuwaiti citizens covered by the Social Insurance Act and the other laws amending and supplementing it, regardless of their place or type of work.

88. Various provisions of this Amiri Decree were amended with the promulgation of Decree Law No. 126 of 1977, pursuant to which insurance cover for sickness, injury, old age and death was provided for individuals working in the governmental, non-governmental and petroleum sectors and their families, as well as for ministers and parliamentarians. A special law was elaborated for members of the military, police and National Guard and for individuals working abroad.

89. The development of legislation on insurance systems continued throughout the 1980s and 1990s. In 1981, for instance, self-employed persons were added to the groups covered by the earlier Social Security Act. As amended in 1988, the Act subsequently made the provision of optional coverage for citizens working abroad for foreign entities or at home for international bodies. In 1992, the new Supplementary Insurance Act included allowances for government employees and coverage above the maximum insurable salary, i.e., 1,250 Kuwaiti dinars, and determined the minimum retirement age. This was followed by Act No. 25 of 2001, which dealt with the main issues affecting Kuwait's insurance system, such as fixing of the retirement age and the establishment of a mechanism for a periodic increase of retirement pensions.

Social assistance system

90. This system is deemed to provide a comprehensive term of reference and legislative framework for public social assistance and is based on Act No. 5 of 1988, as amended by Act No. 30 of 1971, and subsequently the Public Assistance Act No. 22 of 1978, which guarantees financial assistance for such categories as:

- Widows: Any woman over 60 years of age whose spouse is deceased and who has no one to support her
- Divorcees: Any divorced woman whose legal waiting period (*`iddah*) has ended and who is under 60 years of age, has not remarried and has no one to support her
- Unmarried girls: Any unmarried girl over 18 and under 60 years of age who has no one to support her
- Orphans: Anyone whose father or mother is deceased, whose mother has remarried or whose parents are unknown
- The aged: All persons over 60 years of age who have no one to support them
- Persons with a disability: Persons rendered incapable by a full or partial disability of earning a living to support themselves and their family dependents
- Sick persons: Persons prevented by sickness from working to support themselves and their family dependents
- Students at different stages of their education who are financially incapacitated
- Women from the time of their third month of pregnancy whose spouses are unable to care for them during the first year of the child's life
- Families of prisoners

91. Notwithstanding the numerous amendments successively introduced with the aim of developing the legislative framework for public assistance, national plans have hitherto continued to devote particular attention to this subject. As much is evident from the draft five-year development plan for 2006–2007 to 2010–2011 and the Government's work programme for the eleventh legislative term 2006–2007 to 2009–2010, with reference made to the need to amend the legislative framework for public assistance in order to bring into play its role as a fundamental component of Kuwait's social security network.

92. A number of governmental agencies also play a prominent joint role in providing services and supporting the system, such as:

- The Ministry of Awqaf and Islamic Affairs: Comprises a department for family development, established in 1997, which focuses its activities on all groups of women and seeks to bring the role of the family to bear in society in accordance with the Islamic perspective and developments in modern-day civilization
- The Kuwaiti Bait al-Zakat: An independent governmental organization that runs projects funded by the State to the tune of 12 per cent and by alms (zakat) proceeds to the tune of 36 per cent and provides direct and indirect support for Kuwaiti women and families. Examples include:
 - Soft loans for Kuwaiti women
 - Support for students at institutions of higher education
 - Families of orphans cared for by the General Authority for Minors' Affairs
 - Poor and humble families covered by the social welfare system of the Ministry of Social Affairs and Labour

- Certain prisoners

93. The assistance structure has also developed qualitatively over the past two decades through promoting the capacity of Kuwaiti women and their families to raise their income levels. The institutions responsible for the delivery of social assistance (whether governmental agencies, civic organizations or both) began to espouse a new philosophy of service provision, exemplified in the adoption of sophisticated programmes for human capacity-building with the aim of transforming groups in receipt of social assistance, particularly women, into productive groups. Examples of such programmes include:

- The “By my own efforts” project, established in 1998 through cooperation between the Ministry of Social Affairs and Labour and the General Secretariat of Awqaf, which aims to prepare divorced women, widows and unmarried girls, as well as decent Kuwaiti families, for productive work
- The “Productive families” project, adopted by Bait al-Zakat in 1998, which aims to build the capacities of 912 Kuwaiti families and transform them from families in need of assistance into productive families

94. The private sector also has a role to play and undertakes individual initiatives to support and finance the public assistance system, which take various forms, such as building special social centres or providing direct funding support for social activities run by different governmental agencies.

95. The proposed general framework for Kuwait’s development plan for 2010–2011 and 2013–2014 included the following policies:

(a) To promote and develop the mechanisms of the social security network so that they are more flexible in their response to economic and social variables in the light of the global crisis and the extensive development changes on which Kuwaiti society is based;

(b) To develop the concept of Kuwaiti assistance by preparing capable persons for productive work so that they can become financially independent, with no need for assistance, the aim of the plan being to involve between 30 and 50 individuals annually in training courses for this purpose;

(c) To raise the ceiling for insurable earnings and increase the supplementary pension by roughly 67 per cent;

(d) To contribute to the provision of housing welfare for certain groups of women by establishing a housing fund for divorcees, widows and women married to non-Kuwaitis;

(e) To review the legislation guaranteeing civil and social rights for women in order to achieve social equilibrium.

The social welfare system

96. Kuwait attaches great importance to issues concerning women and the family in general. It endeavoured to form the Higher Committee for Children and the Family in 2000, chaired by the Minister of Social Affairs and Labour. Through various social welfare institutions, the Ministry also administers an integrated social care structure comprising secondary care systems for disabled persons, the aged, orphans of unknown parents, and juveniles.

Article 12

97. Kuwait has devoted substantial attention to health services and medical care. It provides these services to both sexes, without distinction, with the result that considerable headway has been made in establishing equality, empowering women, reducing the mortality rate and improving mothers' health. The State has expanded and developed preventive and therapeutic health services throughout Kuwait. The private sector has also played a part in building hospitals and health centres and setting up maternity clinics.

Article 13

98. None of Kuwait's legislation discriminates against women, the Constitution having established a basic term of reference for women by recognizing equal rights and duties, without distinction.

99. Pursuant to this constitutional principle, laws affirming non-discrimination between men and women were passed. By way of example:

- Article 1 of the Labour (Non-governmental Sector) Act No. 6/2010 defines an employee as any male or female who performs work for an employer in return for remuneration, thereby eliminating discrimination by virtue of including both sexes in the definition of an employee
- The Act makes no distinction between male and female workers with respect to the fulfilment of duties and rights, instead making equal provision in that regard
- Article 26 of the same Act provides that women shall receive equal pay with men for the same work
- An employee's service cannot be unjustifiably terminated on grounds of gender, colour, religion or trade-union activity, which entail fundamental rights guaranteed by the Constitution and international conventions

100. Under the Social Assistance Act No. 22/1978, the right to public assistance applies equally to women and men. The provisions of this Act list the groups entitled to assistance, namely: (a) widows; (b) divorced women; (c) prisoners' families; (d) persons in the care of a custodian; and (e) disabled persons under 18 years of age. Males and females alike fall within the scope of the Civil Service Act No. 15/1979, which grants women a number of special social rights, including the right to maternity leave, as well as other types of leave relating to family care. All young males and females fall within the scope of the Juveniles Act No. 3/1983. Under the Compulsory Education Act, education is also compulsory for both males and females for a period of eight years. In 2003, the education system was overhauled and the period of compulsory education became nine years.

Article 14

101. There is no division of areas into rural and non-rural in Kuwait owing to the overall manner in which its human civilization has developed and progressed.

Article 15

102. Under the Kuwaiti Constitution, all citizens are equal before the law in rights and duties. Kuwaiti laws are therefore committed to those principles. The Criminal Code No. 16 of 1960, for instance, recognizes the principle of the equal application of its provisions,

stipulating as it does in article 11 that its provisions apply to any person who perpetrates in the territory of Kuwait any of the offences provided for in the Code. The principle of equality also applies with regard to the assumption of public office, employment, free choice of work, the right to education, health care, movement, residence, choice of domicile and so on. Under article 31 of the Constitution, it is furthermore prohibited to arrest, detain or search any person or compel him to reside at a given location or restrict his freedom of residence or movement, except as prescribed by law.

103. Concerning the rights enunciated in article 15, paragraph 2, of the Convention, which accords to women, *inter alia*, a legal capacity identical to that of men, the provisions of the Civil Code are consistent with these principles, prescribing that the personality of the human being begins at birth and ends on death (art. 9). Article 84 of the Code further provides that any person has the legal capacity to conclude contracts, unless the law provides that he has no such capacity or is lacking in it.

104. Article 96 provides that any person having attained the age of majority is fully competent to carry out legal transactions. According to the law, the age of majority is 21 years and any person having attained that age continues to have full legal capacity unless an impediment thereto should arise.

105. It is clear from this that the provisions of the Civil Code are general, unbiased and without distinction or discrimination between men and women. Nor do they restrict the legal capacity of women on grounds of marriage or ties of kinship. Accordingly, if a woman attains the legal age of majority, she is able to exercise all the rights and carry out all the legal transactions for which provision is made in the Civil Code and the other laws in force. She is also able to administer her property and possessions, as well as her personal affairs, without the imposition of any restriction, limitation or impediment concerning her capacity to do so.

106. Legal proceedings in Kuwaiti courts of all levels are regulated by the Code of Civil and Commercial Procedure No. 38 of 1980 and the Code of Criminal Procedure No. 17 of 1960. The provisions of both Codes apply to all litigants, without distinction between men and women.

Article 16

107. All of the provisions of the Civil Code are general, unbiased and without distinction or discrimination between men and women. Nor do they restrict the legal capacity of women on grounds of marriage or ties of kinship. Accordingly, if a woman attains the legal age of majority, she is able to exercise all the rights and carry out all the legal transactions for which provision is made in the Civil Code and the other laws in force. She is also able to administer her property and possessions, as well as her personal affairs, without the imposition of any restriction, limitation or impediment concerning her capacity to do so.

108. The Court of Personal Status is the authority competent to settle marital disputes, to which the Personal Status Act No. 51 of 1984 applies. This Act regulates all matters relating to personal status, including marriage, divorce, maintenance, custody, inheritance and legacies.

109. Matters relating to marriage are regulated in Kuwait by the Personal Status Act, which accords to women the right to choose a spouse and not to enter into marriage except by consent. Act No. 31 of 2008 provides that persons wishing to marry must undergo a premarital medical examination to ascertain that they are free of any infectious or genetic disease specified by a decision of the Minister of Health. In this case, a health certificate, valid for six months from the date of issuance, is provided to establish that it is safe to marry. No marriage may be concluded by a marriage official or be registered by any other

authority until after this certificate has been provided. If the result of the examination shows that it is not safe to marry, the couple must provide a statement to the effect that they are each aware of that fact and that they consent to the marriage.

110. The law provides that, in order to be eligible for marriage, the spouses must be rational, mature and compatible, as well as proportionate in age, a right that applies only to the wife. The official registration or certification of a marriage is prohibited if the girl is under 15 years of age and the young man is under 17 years of age at the time of registration.

111. Under the Personal Status Act No. 51 of 1984, a number of rights and responsibilities are granted to women. Accordingly, following the conclusion of a marriage contract, a woman has the right to a dower and accommodation, as well as the right to receive maintenance from her husband in accordance with his status. She may claim maintenance in the event of the husband's failure to maintain her.

112. As for the right of women to a divorce or annulment of marriage, the law accords women the right to seek a separation on grounds of injury or absence under article 136 of the Act, which stipulates that if a husband absents himself for a year or more without legitimate excuse, his wife may seek a divorce if she is injured by his absence. Similarly, if the husband is sentenced to a term of imprisonment, his wife may seek a divorce after 1 year of his imprisonment has been served, as affirmed in article 137 of the Act, which stipulates that if a final custodial sentence is enforced against the husband and he is consequently imprisoned for a term of 3 years or more, the wife may seek a divorce after 1 year of his imprisonment has been served.

113. It is clear from the above that a woman has recourse to the courts in order to seek a divorce from her husband if it is impossible for the two to cohabit. She also has the right to seek a divorce if her husband fails to maintain her, has no visible assets and has not been proved insolvent, in which case the judge grants the husband a period of time in which to pay maintenance and if he fails to do so, his wife may then seek a divorce.

114. A woman's right to custody of her children is regulated under chapter V, section I, of the Act, articles 189 to 199 of which determine the rules for custody. Under article 189, the mother is granted custody, followed by her mother. If she is unable to take custody, then the mother's maternal aunt is granted custody, followed by the mother's paternal aunt, the father's grandmother, the father's paternal aunt, the father's maternal aunt and lastly a cousin, with the mother's side taking precedence over the father's side.

Development strategy (1990–2015)

115. Emphasizing the importance of women and their status in society, Kuwait's long-term development strategy (1990–2015), adopted in 1989 by the Higher Planning Council, focuses on the essential role of women in society as mothers and shapers of future generations and on their contribution to the workforce and development efforts, as did the National Charter for Reform and Development (1992–1993 to 1994–1995), the Government's draft work programme for 1996 and the Five-Year Economic and Social Development Plan (1995–1996 to 1999–2000).
