



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

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

Summary record of the 634th meeting

Held at Headquarters, New York, on 15 January 2004, at 10 a.m.

Chairperson: Ms. Acar

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Combined initial and second periodic report of Kuwait

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04-20737 (E)

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The meeting was called to order at 10.45 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic report of Kuwait (CEDAW/C/KWT/1-2)

1. *At the invitation of the Chairperson, the members of the delegation of Kuwait took seats at the Committee table.*

2. **Ms. Al-Mulla** (Kuwait), introducing her country's combined initial and second periodic report, acknowledged that a number of challenges remained with respect to the full implementation of the Convention in her country. Although draft legislation aimed at guaranteeing women the right to vote and the right to be elected to the National Assembly had been narrowly rejected by Parliament in 1999, a new draft would be presented to Parliament during the current legislative session. With respect to Kuwait's national machinery for implementation of the Convention, she noted that in addition to the Government institutions mentioned in the report, there were also several organizations of civil society involved in the promotion of women's rights. Kuwait was generally included in the "high" category in human development reports: rates for infant mortality and maternal mortality were low, the percentage of women in higher education was 67.66 per cent and women's participation in the economy stood at 36 per cent. Kuwait was determined to move forward and improve its record. However, that would entail an evolutionary process, which must take into account cultural nuances and constitutional processes. With respect to the issue of Kuwaiti prisoners of war, which was a major concern of her Government, Kuwait had attempted, without success, to introduce legislation to the fifty-eighth session of the General Assembly on the protection of female prisoners of war, and would make another attempt to do so at the fifty-ninth session. In conclusion, she noted that Kuwait's national legislation devoted particular attention to the situation of women in specific circumstances, such as those caring for sick children and the wives of captured prisoners of war.

3. **The Chairperson** noted that Kuwait had made several significant reservations to the Convention, and urged the Kuwaiti Government to consider withdrawing those reservations, particularly its

reservation to article 7 (a) of the Convention requiring States parties to give women the right to vote on equal terms with men.

Article 1

4. **Ms. Schöpp-Schilling** said that although Kuwait's report had given a good description of the legal situation, many questions remained. She wished to know whether the report had been discussed in public, and whether non-governmental organizations had been able to offer their comments. With respect to Kuwait's reservations, article 28, paragraph 2 of the Convention stated that reservations incompatible with the object and purpose of the Convention were not allowed. The reservation to article 7 (a) went against the Convention's object and purpose. The Committee would like to know more about the impact of the reservations, and would appreciate being provided with a clear timetable for their withdrawal.

5. **Ms. Šimonovic** noted that there was no mention in the report of who had prepared it or the process used in its preparation, and asked whether non-governmental organizations had been involved. She wondered whether the Convention would prevail over national law in the event of a conflict between them, and whether there had been any instances of such an occurrence.

6. **Ms. Gaspard** said that she would like to know how familiar Kuwaiti society was with the Convention. She had been surprised at the lack of references to non-governmental organizations in the report, since it was well-known that Kuwaiti women were mobilized to fight for their rights, and wondered whether the Convention was taught in the country's universities and discussed in public.

7. **Ms. Saiga** said that she would welcome information about non-Kuwaitis living in Kuwait, and asked whether they were included in the data given in the report, as that would help the Committee better to understand the content of the report and the situation in the country.

8. **Ms. Morvai** observed that many people, especially in Western countries, continued to believe that women in the Islamic world lived a life "behind the veil"—largely confined to their homes and restricted to a domestic role—and that she herself had been amazed to read in the report of the significant accomplishments made in a number of fields. It was

sometimes thought that a society based on spirituality could not fail to be restrictive of women's rights, and it was important to understand that spirituality and women's rights were not mutually exclusive. She urged the Kuwaiti delegation to give more visibility to the fact that there was not necessarily a contradiction between the two.

9. **Mr. Flinterman** noted that international human rights instruments such as the Convention assumed that all people living under the Government's jurisdiction were entitled to the rights governed by such instruments, and wished to know whether that was the case in Kuwait.

10. **Ms. Kwaku** noted that Kuwait had taken constitutional and other measures to ensure women's rights and to provide them with remedies in the event that those rights were violated. The report stated that women could seek redress from the country's administrative courts or its misdemeanour courts, and she wished to know whether any women had in fact done so. The report also stated that the Convention was enforceable under article 70 of the Constitution, and she wished to know whether there had been any court cases involving the provisions of the Convention.

11. **Mr. Melander** asked whether the Kuwaiti media displayed any genuine interest in women's rights. For instance, he would be interested to learn what the media reaction had been to Parliament's 1999 revocation of the decree governing women's political rights.

Article 2

12. **Ms. Manalo** said that the equality clauses contained in the Kuwaiti Constitution and in all other laws were couched in general terms, lacking language specific to women's issues, with an exception in the Code of Criminal Procedure and Trial referring to pregnant women. Although there was nothing wrong with dealing with equality in general terms, it was preferable that either specific mention should be made of women in those laws or specific laws covering women's needs should be enacted. There was a tendency in the societal and economic framework to link women to family affairs, with priority assigned to the family rather than to women; family issues should be separated from women's issues. She wondered why, for instance, there was an Endowment Fund for Family

Welfare, but none for women's welfare concerns and needs

13. **Ms. Shin** asked what, if any, specific proposals for amending laws referring to women had been made by the standing committee of parliament on human rights and with what results, whether there had been any monitoring of government activities regarding the protection of women's human rights and whether any women had submitted complaints regarding the violation of their rights.

14. **Ms. Patten** said that since Kuwait had acceded to a great many international conventions — including the International Covenant on Civil and Political Rights — she would like to know which offences carried the death penalty, whether any woman-specific offences were subject to that penalty and how many women had been sentenced to death. She enquired what measures the judicial power took to ensure women's access to the law and to what extent women were aware of their legal rights. For instance, she wondered whether the authorities conducted legal-literacy campaigns. She would also like to know whether there was a legal aid system, what budget was allocated to it and whether women enjoyed access to it. She would be grateful if the delegation could supply data on the number of women — both Kuwaiti and non-Kuwaiti — who had availed themselves of the justice system and benefited from legal aid. She also wished to know whether the same criteria for access to legal aid applied to Kuwaitis and non-Kuwaitis.

15. **Ms. Schöpp-Schilling** asked when Kuwait intended to ratify the Optional Protocol to the Convention and the amendment to article 20 (1), which required ratification by two thirds of States parties in order to enter into force. She wished to know whether any legal review of Kuwaiti laws had been undertaken since the country's ratification of the Convention to determine whether any discriminatory laws remained, such as restrictions on women being employed in the police and the army and the existence of literacy campaigns for men through the age of 40 but only 35 for women. Whereas, in principle, women and men had equal rights in the public sphere, the electoral law did not allow women to vote. Such contradictions called for urgent legal review.

16. The report stated that chapter 3 of the Constitution referred exclusively to public rights and obligations and that personal status and family life

were governed by Islamic law. That being so, she would like to know whether that law discriminated in any way against women in the terms of article 1 of the Convention. While commending the Government on the country's top ranking on the human development index in the Arab Human Development Report for 2002, she would like to know where Kuwait was ranked in terms of that report's gender-equality indicator.

Article 3

17. **Ms. Ferrer Gómez**, pointing out that the report dealt with women exclusively as mothers and pillars of the family, asked when the integral plan for the advancement of Kuwaiti women would take effect. The plan's references to women's "family obligations" implied that men did not share such responsibility. It was important that the plan should contain specific goals for the advancement of women. The stated task was to explore ways in which women could be made aware of their rights, but no reference was made to the fact that that was a task for society as a whole. Also, there was no mention in the plan of the need to do everything possible to ensure respect for women's political rights. The considerable emphasis placed on reconciliation of couples in order to reduce the divorce rate was misplaced since the cause of the breakdown of the marriage might well indicate the need for the marriage to be dissolved.

18. **Ms. Gabr** said that, while she trusted that the mechanisms established for the advancement of women would function adequately, it was important for civil society to be involved as well. She was alarmed that there were only five woman-specific non-governmental organizations in the country. The patent need for suitable legislative measures did not preclude the need for action, achieved through pressure brought by non-governmental organizations.

19. **Ms. Tavares da Silva** said that the linking of women to children and the family in the mechanisms established in the various ministries reflected the fact that women were seen more as mothers and wives than as persons in their own right. It was important that the demands of private and family life should be the same for women and men, hence the need to review traditional stereotypes of women's and men's roles in strategies, policies and programmes.

20. **Ms. González Martínez**, noting that Kuwait had entered many reservations to the Convention, pointed out that the many mechanisms connected with article 3 focused on improving the situation of women as part of the family but not as individuals. Given that the majority of the country's population was non-Kuwaiti, she also wished to know how the various programmes and measures catered to non-Kuwaiti women and whether non-Kuwaitis were official residents or were considered merely temporary.

21. **Ms. Shin** asked whether the main body responsible for the advancement of women was indeed the Higher Committee for Children and the Family, which, interestingly, did not even contain the word "women" in its title. If so, did it undertake any coordination, or did it work in isolation from the mechanisms in other ministries? She would like to know whether the proposals it put forward included proposals for the review of discriminatory laws, how often the Committee met, the size of its secretariat and whether it included non-governmental organizations.

22. **Ms. Manalo** asked how the impressive machinery for guaranteeing women's rights was coordinated and integrated and whether there was a central focal point for the purpose, concentrating on women's needs as a priority in the overall mechanism.

Article 4

23. **Ms. Schöpp-Schilling** asked whether there were plans to review the country's many special measures aimed at protecting maternity, which suggested that women were taken into consideration solely in terms of their maternal function; also, with technological advances, such measures might no longer be necessary in a modern society. She wished to know whether there were any provisions in the Kuwaiti Constitution that made it clear that the temporary special measures provided for in article 4 (2) — intended to accelerate de facto equality for women — would not be deemed discriminatory. She asked whether the topic of such temporary special measures had ever been discussed with regard to employment in the private or public sector.

Article 5

24. **Ms. Ferrer Gómez**, noting that the report acknowledged education and increased sensitivity to women's issues as essential for changing

discriminatory traditions and customs, said she could not discern any specific measures or plans to counter stereotypes about women in Kuwait. On the contrary, the report suggested that some traditional views of a woman's role in the family had been strengthened. She wished to know what measures the Government of Kuwait was taking to raise awareness of women's issues in the State education and health sectors. More information was also needed on whether the legislation of Kuwait specifically provided for the protection of women from violence in the family and society in general and on whether spousal abuse against women was considered a mitigating factor with regard to prosecution.

25. **Ms. Gabr** said that consciousness-raising was an important way of changing social behaviour. She asked whether the Kuwaiti delegation intended to study the difficulties in implementing the Convention and said that the process of preparing periodic reports was itself a step towards increasing awareness about women's issues. She also wished to know whether an Arabic version of the Convention had been published in Kuwait and whether plans had been made to incorporate aspects of it into the educational curriculum. Given Kuwaiti women's high level of education, doing so would be a simple and effective means of increasing sensitivity to women's rights. More information was needed on the laws that ruled out the employment of women in certain posts, including the diplomatic corps. Lastly, she noted that appointments to diplomatic posts were made by the Ministry of Foreign Affairs and did not require the approval of the legislature.

26. **Ms. Tavares da Silva** said she would appreciate more details on measures taken to increase awareness about women's rights in the educational system and media. The periodic report did not provide any information about legislation on domestic violence or violence against women in general. She failed to understand why the question of divorce and separation was included under the sub-heading "violence in the family". Some explanation of that apparent misconception of domestic violence was needed.

27. **Ms. Saiga**, noting that there were indeed Kuwaiti women diplomats, which contradicted the prohibition mentioned in the periodic report, asked for clarification of the restrictions placed on women working in missions abroad, the army and the police.

Article 6

28. **Mr. Morvai** welcomed the fact that there was no prostitution of juveniles in Kuwait. She commended the report for its frank stance against prostitution, which it recognized as a social evil, and said she was pleased that the Kuwaiti Government had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. She urged the Government of Kuwait to take a leading role in the region in the campaign to eliminate human trafficking and its underlying cause: prostitution. Too few Governments unequivocally condemned prostitution, which depersonalized and objectified women and ran counter to religious beliefs and values. She stressed the need to understand the demand side of prostitution and to convince the male customers who perpetuated it that what they were doing was wrong.

29. **Ms. Manalo** would like to know whether killing women in the name of family honour was punishable by law and what steps had been taken to reduce that practice in Kuwait. She had heard reports of physical and verbal abuse of domestic migrant workers from her country, the Philippines, and asked what provisions had been made to protect against slavery. It would be useful to know whether the Personal Status Act, which stipulated that a wife might not be coerced into obedience, applied to marital rape. Finally, although the Private Sector Employment Act and Penal Code of Kuwait provided for the protection of working women, they did not cover every instance of harassment, including at the workplace. She therefore urged the Government of Kuwait to enact specific legislation on all forms of harassment.

Article 7

30. **Ms. Khan** noted that Kuwait was the only country in the world in which only men had the right to vote. She failed to understand how the Government of Kuwait could reconcile its denial of women's political participation with its ratification of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights as well as several articles of the Constitution of Kuwait mentioned in the periodic report that explicitly guaranteed equality of all persons before the law with respect to their public rights and obligations. Information was needed on whether an Arabic text of the Convention had been published and

widely disseminated in Kuwait and whether any public awareness campaigns had been organized.

31. She asked what steps the Government of Kuwait had taken to ensure that efforts to grant women equal political rights would not be voted down again by the National Assembly. She cited stereotypical statements from members of the National Assembly as examples of some of the obstacles to be overcome. She would also welcome some explanation of the dismissal of several lawsuits filed against the Government by women who had been denied the right to register to vote in February 2000 and enquired whether there had been a legal review of the ruling. In conclusion, noting that the women's suffrage movement in Kuwait had begun more than a quarter of a century earlier, she wished Kuwaiti women success in their struggle for equal rights.

32. **Ms. Popescu Sardu** said she hoped, for the sake of constructive dialogue, that when the Kuwaiti delegation next responded to the Committee's questions more national representatives directly involved in the advancement of women would be present. Although article 26 of the Constitution guaranteed equal access of men and women to political office, the report mentioned that family obligations impinged on women's participation in public life and that unmarried women accounted for a greater share of the labour force than married women in the over-35 age group. However, perhaps employers gave unmarried women preference over married women and therefore, contrary to what the report suggested, the low share of married women in the labour force was not the result of a personal decision not to work. Furthermore, she saw a contradiction between the appointment of women to high-level positions such as Minister of State and the denial of the right to hold elective office or belong to political parties, and would like to know whether that government post had any political affiliation. She would also like to know what procedures were followed for the appointment of women to such government posts. Lastly, she requested more information on the situation of non-Kuwaiti women and specific data on the employment of women in public positions, broken down by nationality and level of post.

33. **Mr. Flinterman** said he would appreciate an update on the number of women holding high administrative office, since the report had only given figures for 1997. More precise information on the

gender composition of the judiciary would also be useful. Lastly, he asked whether there were political parties in Kuwait and whether they were following General Recommendation No. 23 by doing everything possible to achieve equal participation of men and women in political and public life.

34. **Ms. Gaspard**, noting the understandably deep concern among Committee members at Kuwait being the only remaining country to deny women the right to vote, said that history had provided many examples of men who had put up resistance to women's suffrage. In her own country, France, Parliament had rejected legislation to guarantee women's right to vote 21 times between 1919 and 1939. In Kuwait, objections were made by men who did not wish to see their wives or daughters being solicited by political candidates without a male presence. In France, a high-ranking pre-war political official had said that a ballot would not be elegant in a woman's hands, which were meant for gloves and rings. In both instances, resistance to granting women full political citizenship came from political officials and parties. Contemporary Kuwait, however, offered a different example from pre-war France in that Kuwaiti women were highly educated, and, in some respects, better educated than their male counterparts.

35. She hoped that the reservation to article 7 (a) by the Government of Kuwait would be lifted and suggested that the Committee's conclusions should be widely circulated to Kuwaiti non-governmental organizations and parliamentarians so that they might be aware of how concerned the international community was at the situation of women's political rights in Kuwait.

36. **Ms. Šimonovic** said she supported the request for an update on the number of high-level positions held by women and would also like to have more specific information on the new five-year economic and social development plan referred to in the periodic report. She asked what provisions had been made in Kuwaiti legislation to reconcile the role of women as mothers with the equally important contribution they made to the work force and development efforts.

37. **Ms. Tavares da Silva**, noting statements in the report to the effect that women had attained high-level posts in various fields and that promotions were handled without bias, regardless of gender, on the basis of efficiency, said that statistics on women's

participation in high-ranking positions in public life were scarce. Statistics on women's achievements in higher education were there for all to see. That was why, over and above the inevitable cultural constraints which might take time to overcome, she could not help wondering whether there was not some form of hidden discrimination that prevented commensurate numbers of women from gaining access to high-ranking posts in other fields of endeavour.

38. **Ms. Morvai** said it was clear that, while the executive branch in Kuwait was strongly committed to giving women the vote, it seemed very difficult to convince the legislative branch to go along. In that regard, members of the Committee, together with the delegation, could try to come up with some creative ideas on how to sway the legislature. The executive branch could undertake some comparative research on how women had gained the right to vote in both Muslim and non-Muslim countries. Probably a major concern of male members of parliament was the Koran and Islamic tradition. There should be some encouragement and some grants could even be given to female academics to undertake research on evolutionary interpretations of the Koran and convince legislators that the participation of women in politics was not inconsistent with the teachings of the Koran. Some informal lobbying could also be conducted.

39. **Ms. Belmihoub-Zerdani** said that Kuwait's reservation to article 7 of the Convention was contrary to the Convention and to the Koran, because in the past, at the very birth of Islam, as exemplified by the first and last wives of the Prophet Mohamed, women had always played key roles in politics. Therefore, she wondered how any man today could deny to a Muslim woman in a Muslim country the right to engage in politics. The Permanent Representative of Kuwait to the United Nations and head of the Kuwaiti delegation was the best proof that by dint of sheer will it was possible to go beyond what was provided for by the law or the Constitution. Noting that the struggle to grant women the right to vote in Kuwait dated back to 1999, she said that women were conceived in the same way as men and should have the same rights as men. Indeed, Kuwaiti women, whose achievements in the educational and cultural spheres were far superior to those of men, should also be in parliament. She stressed that she was from an Arab and Muslim country where the Head of State had the prerogative, under the quota system, to appoint women to the National

Assembly. Such a system had recently been introduced into Morocco. Through political will and a very clear message, 35 women now had seats in the Moroccan Parliament, while eight were on the Algerian Council of State. That was a way of breaking the taboo created by men, which had no religious foundation whatsoever.

40. **Ms. Kapalata** said that there seemed to be a disconnection between the conceptual understanding of women's human rights and their access to those rights. There seemed to be a patronizing attitude of men towards women. Article 8 of the Convention had not been properly treated by the Government and previous speakers had commented on the contradictions in the report, which stated on the one hand that the Kuwaiti Constitution and the laws in force guaranteed rights and freedoms to women, including the right to hold public office, while on the other hand some laws ruled out employment of women in certain fields, including the army, police and diplomatic service for a variety of reasons. She wondered why women were barred from employment in those fields and why there was a woman ambassador to the United Nations. She wanted to know what action the Government was taking to ensure that women participated in the diplomatic corps. Singling out only a few women for appointment was double discrimination, since all women should be given access to the diplomatic service.

41. **Ms. Gaspard** pointed out the contradiction between article 26 of the Convention and certain laws that denied women access to some positions, especially in the diplomatic corps. Since the end of the nineteenth century, international women's organizations, in which women participated, had been campaigning for women to be allowed to join the diplomatic service. In 1919, the Statute of the League of Nations had endorsed the right of women to be appointed to any position in the diplomatic service as had resolutions adopted by the United Nations on the role of women in conflict resolution. Indeed, women's involvement in diplomacy served the interests of humanity as a whole, not just of women.

42. **Ms. Šimonovic** asked whether it was true that work in the diplomatic and consular corps was restricted to men alone. If that was not the case, then she wished to know when and why that rule had been changed and the reasons for exceptions in specific cases.

Article 9

43. **Ms. Coker-Appiah** said that the Government should lift its reservation to article 9, paragraph 2, of the Convention. The report stated that Kuwaiti women had the right to obtain their own passports and that married women could only obtain a passport with the prior consent of their husbands. That was clear discrimination against married Kuwaiti women. She wished to know whether unmarried women had the right to obtain passports.

44. **Ms. Khan** said that the Nationality Act of 1959 seemed to be flexible to some extent. It seemed that men and women did not enjoy equal rights under the law. She wondered whether men and women had equal rights to acquire, retain and transfer nationality to their spouses and children. Regarding the issue of passports, the requirement that a woman should obtain her husband's consent undermined her legal capacity. She wondered whether married women needed their husbands' consent to take up employment, administer their property or file lawsuits in court. In that regard, did unmarried women need the consent of their father or brother?

45. **Mr. Melander** asked whether non-Kuwaitis who had lived in the country for a long time could become Kuwaiti citizens.

46. **Ms. Schöpp-Schilling**, referring to the Nationality Act, said that while considerable progress had been made through the introduction of amendments, the final step was yet to be taken. Since nationality was acquired by blood, she wondered what prevented the Government from granting to a Kuwaiti woman married to a foreigner the right to transmit her nationality to her children, especially since, under Public Assistance Act No. 22 of 1987, she could do so upon divorce. However, she might not get support for her children under that Act. A legal review was needed to address and clarify the contradictions and discrepancies in Kuwait's laws.

47. **Ms. Saiga** enquired about the procedure for the reinstatement of nationality.

48. **Ms. Gaspard**, noting that a woman could not automatically transmit Kuwaiti nationality by blood to her child, requested statistics on marriages between Kuwaiti women and foreigners and on the status of their children.

49. **Ms. Al-Mulla** (Kuwait) said that she was taken aback by the thrust and details of the Committee's questions. Everyone was aware of the Convention, although practices might vary, with some countries being way below or way ahead of the stipulations of the Convention. However, she had not read the report nor was she conversant with its subject matter, as her duties as Kuwait's Ambassador to Vienna had concerned other matters. She was as surprised as members of the Committee at the contradictions.

50. All societies, even the most advanced, had areas where they had moved ahead or lagged behind others. For example, she did not see many women ambassadors from those regions pushing so hard for gender equality. Among the permanent members of the Security Council, for example, she had met only two female ambassadors, and they were political appointees, not career diplomats. She was not trying to exonerate Kuwait from implementing particular articles, but it was necessary to be realistic in the way States were pressured and urged to implement the Convention.

51. Regarding Kuwait's diplomatic service, she noted that there was no law that would prevent women from joining that service. In Vienna, her personal assistant had been a young woman, and in Geneva, the legal counsel to the Kuwaiti mission was also a lady. As far as women in the military and police service was concerned, Kuwait had been enlisting women into the police force and training them. Acknowledging that Kuwaiti women had not been very visible, she hoped that during the presentation of the next report there would be more participation by non-governmental organizations and civil society.

The meeting rose at 1 p.m.