

# KUWAIT

## MENA Gender Equality Profile

Status of Girls and Women in the  
Middle East and North Africa



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## 1. BACKGROUND

Demographics	Value	Year
Total population (000)	2,985	2009
Total adolescent (10-19) population (000)	415	2009
Total under-18 population (000)	817	2009
Total under-5 population (000)	254	2009
Population annual growth rate (%)	3.7	2000-2009
Total fertility rate (births per woman)	2.2	2009
Under-five mortality rate (per 1000 live births)	10	2009
Life expectancy at birth (years), male	76	2009
Life expectancy at birth (years), female	80	2009
Singulate mean age at marriage, male	29	1995
Singulate mean age at marriage, female	27	1995
<b>Economic indicators</b>		
GNI per capita (current US\$)	43,920	2007
% share of income held by lowest 20 %	-	
% share of income held by highest 20 %	-	
<b>Sources:</b> UNICEF, The State of the World's Children 2011. Life expectancy and economic indicators from The World Bank, Data Catalog, <a href="http://data.worldbank.org/">http://data.worldbank.org/</a> , [accessed in August 2011] Marriage data from UNPD, World Marriage Data 2008, <a href="http://www.un.org/esa/population/">www.un.org/esa/population/</a>		

<b>Gender Gap Index 2010</b>		
Rankings of MENA countries with available data	Score	Rank
United Arab Emirates	0.6397	103
<b>Kuwait</b>	<b>0.6318</b>	105
Tunisia	0.6266	107
Bahrain	0.6217	110
Lebanon	0.6084	116
Qatar	0.6059	117
Algeria	0.6052	119
Jordan	0.6048	120
Oman	0.5950	122
Iran (Islamic Republic of)	0.5933	123
Syrian Arab Republic	0.5926	124
Egypt	0.5899	125
Morocco	0.5767	127
Saudi Arabia	0.5713	129
Yemen	0.4603	134
<b>Source:</b> World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries)		

## 2. LEGAL FRAMEWORK

**Legal system.** According to the constitution, Islamic law (Shari'a) is the main source of legislation. British common law, French civil law, Islamic legal principles and Egyptian law have influenced the Kuwaiti legal system.<sup>1</sup> The personal status law (which governs legal procedures that pertain to matters such as marriage, divorce and inheritance) is based on the Maliki school of Sunni Islam. In Kuwait, around 70 per cent of the national population (which does not include migrant workers) is Sunni Muslim and 30 per cent is Shiite. For Shiites, their own school of Islam regulates personal status matters. Before a family court the testimony of a woman is worth half of that of a man. The other courts in the court system consider the testimonies of men and women to be equal.<sup>2</sup>

**Convention on the Elimination of All Forms of Discrimination against Women.** Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1994 and maintains reservations to the following articles: 9 (2) (equal rights with regard to nationality) 16 (f) (equal rights on guardianship and adoption) and 29 (1) (related to the administration of the convention; arbitration in the event of a dispute).<sup>3</sup> Several of these articles contain provisions that are central to the purpose of the convention and the CEDAW Committee has indicated that: "...reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible..."<sup>4</sup> Kuwait presented its combined third and fourth periodic CEDAW reports to the CEDAW Committee at its 50<sup>th</sup> session in October 2011.

**Convention on the Rights of the Child.** Kuwait ratified the Convention on the Rights of the Child (CRC) in 1991, with a general reservation on "...all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect."<sup>5</sup>

<sup>1</sup> Hauser Global Law School Program, New York University School of Law, GlobalLex, Foreign Law Research, (electronic publication, [www.nyulawglobal.org/Globalex/](http://www.nyulawglobal.org/Globalex/)) [accessed in August 2011]

<sup>2</sup> Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>3</sup> See United Nations Treaty Collection (<http://treaties.un.org>) for declarations and reservations made by State Parties

<sup>4</sup> Report of the Committee on the Elimination of Discrimination against Women, Eighteenth and Nineteenth Session, A/53/38/Rev.1, 1998, p.49

<sup>5</sup> See United Nations Treaty Collection (<http://treaties.un.org>) for declarations and reservations made by State Parties

In 2004, Kuwait acceded to the two CRC optional protocols with a reservation on article 3 (5) (which relates to adoption) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

**Nationality rights.** According to the law, Kuwaiti women married to foreign spouses cannot pass their Kuwaiti citizenship to their children or to their spouse. Kuwaiti fathers, however, have the right to pass their citizenship to their children and to a foreign spouse. It is only under certain circumstances that a Kuwaiti woman married to a foreign spouse can transfer her citizenship to her children. This is in cases when the father has died, he is unknown or there has been an “irrevocable” divorce.<sup>6</sup>

**Divorce rights.** A woman has the right to seek divorce for a few specified reasons only, including if she has been abandoned or abused, or if the husband has failed to pay her alimony. The woman will have to prove injury. A husband on the other hand can divorce his wife “arbitrarily.” A court can rule a husband who divorces his wife without her consent to pay the wife financial compensation.<sup>7</sup>

**Guardianship and custody rights.** A woman may be granted custody of the children upon a divorce. According to the personal status law a divorced mother will have custody of her sons until they reach the age of 15 years and of her daughters until they are married. Other rules apply to the Shiite Muslim minority. Among Shiites a divorced mother has custody of her daughter until the daughter is 9 and of her son until he is 2. Child support exists and is offered by the state, but this benefit is always paid to men (the father).<sup>8</sup>

**Inheritance rights.** Women have the right to inherit. The inheritance law is governed by Shari’a and the rules differ slightly between Sunni and Shiite Muslims. In general, however, women will inherit a smaller share than men. For instance, a daughter has the right to a share of the inheritance that is half of her brother’s share.<sup>9</sup>

**Freedom of movement.** The passport law was amended in 2009 to allow married women to obtain a passport without the consent of their husband. All women over the age of 21 can obtain a passport and travel abroad without the permission of their husband or guardian.<sup>10</sup>

**Protection from child marriage.** The minimum age of marriage is 15 for girls and 17 for boys.<sup>11</sup> Polygyny is legal in Kuwait.<sup>12</sup>

**Protection from gender-based violence.** There is no specific law against domestic violence in Kuwait. Rape is considered a crime, but marital rape is not. Although “honour killings” are punishable under the law, the penal code allows a lenient sentence to a man who kills his wife, mother, sister or daughter caught in “unlawful sexual relations.” One group that is vulnerable to gender-based violence is foreign female domestic workers. According to the United States Department of State 2010 Human Rights Report, the media reported hundreds of cases of rape during 2010 and many of the victims were non-Kuwaiti domestic workers.<sup>13</sup>

<sup>6</sup> Freedom House, Women’s Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Committee on the Elimination of Discrimination against Women, Third and Fourth periodic report of Kuwait, CEDAW/C/KWT/3-4, 2010

<sup>12</sup> Freedom House, Women’s Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>13</sup> U.S. Department of State, Country Reports on Human Rights Practices, 2011 (report, online version <http://www.state.gov/g/drl/rls/hrrpt/>) [accessed in August 2011]

### 3. INSTITUTIONS AND MECHANISMS

**Governmental response.** In order to promote and protect women's rights the government has established women's affairs offices in a number of relevant ministries, such as the Ministry of Social Affairs and Labour, the Ministry of Health and the Ministry of Justice. The Higher Committee for Children and the Family follows up on the CEDAW and the CRC. It drafts and proposes national plans and projects relating to children, women and the family and reviews laws.<sup>14</sup>

**Strategies and services responding to gender-based violence.** Kuwait's combined third and fourth periodic CEDAW report provides no information on government strategies and services responding to gender-based violence. The report only mentions that the government supports a shelter for migrant workers (particularly domestic workers) who have a conflict with their employer. According to the Freedom House report Women's Rights in the Middle East and North Africa 2010, there are no shelters, support centres or free legal services for women who are victims of domestic violence.

### 4. WOMEN'S POLITICAL PARTICIPATION

**Political representation.** Kuwaiti women gained the right to vote and stand for election as recently as 2005, which was also the year a woman was first appointed to parliament.<sup>15</sup> Women currently occupy 5 out of 65 seats (8 per cent of the seats) in the lower house of parliament.<sup>16</sup>

**Representation in the legal system.** Women are not permitted to serve as judges in the courts. They are allowed to hold positions as investigative judges and to work as lawyers. Twenty per cent of the members of the Kuwait Bar Association are women.<sup>17</sup>

**Civil society.** Freedom of assembly is restricted in Kuwait and NGOs are controlled by the state. This poses additional challenges for women's rights activists who operate in an environment with a strong patriarchal culture and a conservative interpretation of Islam. Yet advocacy for women's rights has been strong in recent years, particularly with regard to political participation.<sup>18</sup>

### 5. EDUCATION AND ECONOMIC PARTICIPATION

**Education.** The literacy rate among both female and male youth is 99 per cent. The net enrolment ratios of girls and boys in primary school are roughly equal (87 and 89 per cent respectively), according to statistics from 2008. In secondary school, girls' and boys' net enrolment ratios are also similar: 80 per cent for girls and 77 per cent for boys, according to data from 2002. Tertiary education gross enrolment ratios available from UNESCO Institute for Statistics (UIS) show a much higher enrolment ratio for women than for men (29 per cent compared to 15 per cent, according to data referring to 2002). According to the 2010 Freedom House report, one explanation of the female dominance in Kuwaiti universities is that men often study abroad.

**Access to financial credit.** Kuwaiti women have access to bank loans and other forms of financial credit and they are not required to obtain their husband's or father's consent in order to apply for financial credit.<sup>19</sup>

<sup>14</sup> Committee on the Elimination of Discrimination against Women, Initial and Second periodic report of Kuwait, CEDAW/C/KWT/1-2, 2003

<sup>15</sup> UNDP, Human Development Report 2007/2008

<sup>16</sup> Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm> (data updated as of 30 June 2011) [accessed in August 2011]

<sup>17</sup> Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>18</sup> Ibid.

<sup>19</sup> Committee on the Elimination of Discrimination against Women, Initial and Second periodic report of Kuwait, CEDAW/C/KWT/1-2, 2003

**Participation in the labour market.** Despite the high literacy rate and level of education among young Kuwaiti women, their participation in the labour market is low. Only 24 per cent of female youth age 15-24 engage in the labour market either by working or looking for work, compared to 42 per cent of male youth. The labour force participation rate for women aged 15 and above is 45 per cent, compared to 83 per cent for men. Globally, the global labour force participation rate of women is 52 per cent.<sup>20</sup>

the informal sector.

## 6. REPRODUCTIVE HEALTH

**Maternal health.** The most recent available data from 1996 show high coverage of important interventions for safe motherhood: antenatal care coverage (at least once) is 95 per cent and skilled attendance at birth is 98 per cent. The 2008 Maternal Mortality Estimation Inter-agency Group (MMEIG) MMR estimate for Kuwait is 9 maternal deaths per 100,000 live births.<sup>21</sup>

**Early childbearing.** In Kuwait, the adolescent birth rate is 12 births per 1,000 adolescent girls aged 15–19.

## 7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

MATERNAL AND NEWBORN HEALTH	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
Contraceptive prevalence (%)	1999	52*	-	-	-	-	UNFPA, UNPD, MDG database <a href="http://unstats.un.org">http://unstats.un.org</a> [accessed in August 2011] , *data pertain to nationals of the country
Antenatal care coverage at least once by skilled personnel (%)	1996	95	-	-	-	-	UNICEF global database/ Kuwait Gulf Family Health Survey
Skilled attendant at birth (doctor, nurse or midwife) (%)	1996	98	-	-	-	-	UNICEF global database/ Kuwait Gulf Family Health survey
Adolescent birth rate (number of births per 1,000 girls aged 15–19)	2008	12					UNFPA, UNPD, MDG database <a href="http://unstats.un.org">http://unstats.un.org</a> [accessed in August 2011]
Maternal Mortality Ratio (adjusted) (maternal deaths per 100,000 live births)	2008	9					WHO, UNICEF, UNFPA, World Bank, Maternal Mortality Estimation Inter-agency Group (MMEIG) / UNICEF global database
Lifetime risk of maternal death, 1 in:	2008	4500					

<sup>20</sup> United Nations, DESA, The World's Women 2010, p. 76

<sup>21</sup> See WHO, UNICEF, UNFPA and The World Bank, 2010, Trends in Maternal Mortality: 1990-2008. The report categorizes countries' progress towards MDG5. (Countries with MMR  $\geq 100$  in 1990 are categorized as "on track" if there has been 5.5% decline or more annually, "making progress" if MMR has declined between 2% and 5.5%, making "insufficient progress" if MMR has declined less than 2% annually, and having "no progress" if there has been an annual increase in MMR. Countries with MMR  $< 100$  in 1990 are not categorized) Since Kuwait had an MMR which was  $< 100$  in 1990 it is not categorized.

EDUCATION	YEAR	MALE %	FEMALE %	GENDER PARITY INDEX (F/M)	SOURCE
Net enrolment ratio primary school (%)	2008	89	87	0.98	UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in August 2011]
Net enrolment ratio secondary school (%)	2002	77	80	1.04	UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in August 2011], UIS estimates
Youth (15-24) literacy rate (%)	2008	99	99		UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in August 2011]
	YEAR	TOTAL			SOURCE
Share of females among teaching staff (%) in primary education	2008	89			UNESCO, Education for All Global Monitoring Report 2011
Share of females among teaching staff (%) in secondary education	2008	55			UNESCO, Education for All Global Monitoring Report 2011, national estimate

CHILD PROTECTION	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
% of women aged 20-24 who were married/ in union before the age of 18		-	-	-	-	-	
Female genital mutilation/cutting among women 15-49 (%)		-	-	-	-	-	
	YEAR	TOTAL	MALE	FEMALE			SOURCE
% of children aged 5-14 engaged in child labour		-	-	-			

ATTITUDES TOWARDS DOMESTIC VIOLENCE	YEAR	% WHO AGREE WITH AT LEAST ONE SPECIFIED REASON	SOURCE
Women (15-49) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	
Adolescent girls (15-19) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	

HIV/AIDS	YEAR	TOTAL	MALE	FEMALE		SOURCE
HIV prevalence among young people (15-24)		-				
% of young people (15-24) who have comprehensive knowledge of HIV		-				

USE OF ICT	YEAR	TOTAL		SOURCE
% of young women (15-24) who used a computer during the last 12 months		-		
% of young women (15-24) who used the internet during the last 12 months		-		



WOMEN'S POLITICAL PARTICIPATION	YEAR	TOTAL		SOURCE
Number of women in parliament (single/ lower house)	2009	5		IPU, <a href="http://www.ipu.org/wmn-e/classif.htm">http://www.ipu.org/wmn-e/classif.htm</a> (data updated as of 30 June 2011) [accessed in August 2011]
% women in parliament	2011	8		
Legislated quotas for women for single/ lower house (yes/no)	*	No		Kuwait is not listed in The Quota Project database on <a href="http://www.quotaproject.org">www.quotaproject.org</a> [accessed in August 2011*] which lists all countries with legislated quotas
Quota type		n/a		
Number of women in ministerial positions	2010	1		DAW/DESA, IPU, Women in Politics: 2010 (reflecting appointments up to 1 January 2010)
% women in ministerial positions	2010	7		

WOMEN'S ECONOMIC PARTICIPATION	YEAR	TOTAL		SOURCE
Labour force participation rate (%), male 15+	2009	83		ILO, Key Indicators of the Labour Market (KILM), 6th Edition <a href="http://kilm.ilo.org">http://kilm.ilo.org</a> Table 1a (ILO estimates), [accessed in August 2011]
Labour force participation rate (%), female 15+	2009	45		
Labour force participation rate (%), male 15-24	2009	42		
Labour force participation rate (%), female 15-24	2009	24		
Total unemployment rate (%), male 15+	2005	2		ILO, KILM, 6th Edition, Table 8a, [accessed in August 2011]
Total unemployment rate (%), female 15+	2005	2		
Youth (15-24) unemployment rate (%), male	2005	12		ILO, KILM, 6th Edition, Table 9, [accessed in August 2011]
Youth (15-24) unemployment rate (%), female	2005	10		

MATERNITY LEAVE	YEAR		SOURCE
Maternity leave duration	2004-2009	70 days	United Nations Statistics Division, <a href="http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech">http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech</a> , Table 5g, [accessed in August 2011]. Data compiled between 2004-2009.
% of wages paid in covered period	2004-2009	100	
Provider of benefit	2004-2009	Employer	

**Notes:**

The UNICEF global databases are available on [www.childinfo.org](http://www.childinfo.org)

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles"

n/a = not applicable

## 8. RATIFICATION OF TREATIES

TREATY	YEAR OF SIGNATURE	YEAR OF RATIFICATION, ACCESSION (A), SUCCESSION (S)	RESERVATIONS
Convention on the Political Rights of Women (1953)			
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)			
International Covenant on Economic, Social and Cultural Rights (1966)		1996 (a)	Interpretative declarations to: articles 2 (2), 3, 9 Reservation to article 8 (1) (d)
International Covenant on Civil and Political Rights (1966)		1996 (a)	Interpretative declarations to: articles 2 (1), 3, 23 Reservation to article 25 (b)
Convention on the Elimination of All Forms of Discrimination against Women (1979)		1994 (a)	Articles 9 (2), 16 (f), 29 (1)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)			
Convention on the Rights of the Child (1989)	1990	1991	Upon signature: "[Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect." Upon ratification, declarations to: articles 7, 21
Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)	n/a	2003 Acceptance	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)		2004 (a)	Article 3 (5)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)		2004 (a)	
Convention on the Rights of Persons with Disabilities (2006)			

n/a = not applicable

Source: United Nations Treaty Collection, <http://treaties.un.org> [accessed in April 2011]



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