



Committee on the Elimination of Discrimination against Women
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva
Switzerland
By Email: ohchr-cedaw@un.org

April 15, 2024

Re: Information on Kuwait for Consideration by the Committee on the Elimination of Discrimination against Women at its 88th Session (13 May 2024 – 31 May 2024)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Committee on the Elimination of Discrimination against Women (“the Committee”) in advance of its 88th Session (13 May 2024 – 31 May 2024). The Global Campaign for Equal Nationality Rights, Equality Now, the Institute on Statelessness and Inclusion, and Salam for Democracy and Human Rights request that this letter be used to inform the Committee’s review of Kuwait. Our joint submission expresses our concerns regarding gender discrimination in Kuwait’s nationality law, which denies women the same ability as men to confer citizenship to their children and noncitizen spouses.

The [Global Campaign for Equal Nationality Rights](#) mobilizes international action to end gender discrimination in nationality laws through its coalition of national and international organizations.¹

[Salam for Democracy and Human Rights](#) seeks to preserve universal principles of dignity and respect, and aims to influence the international community and UN representatives to improve the situation in the Middle East, and foster awareness of human rights and democracy.

Equality Now is an international human rights organization with ECOSOC status whose mission is to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Equality Now is the author of [The State We’re In: Ending Sexism in Nationality Laws – 2022 Edition – Update for a Disrupted World](#).

¹ Steering Committee members include Equal Rights Trust, Equality Now, Family Frontiers, Institute on Statelessness and Inclusion, Nationality For All, Women’s Learning Partnership, and Women’s Refugee Commission.



The [Institute on Statelessness and Inclusion](#) (ISI) is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to nationality. The Institute has made more than 130 country-specific submissions to UN human rights bodies on the right to nationality and the rights of stateless persons.

Kuwait's International obligations

CEDAW provides for the right to a nationality and equal nationality rights between women and men. However, the State has placed a reservations on relevant provisions: Article 9(2) (nationality of children). In its concluding observations in November 2017, the CEDAW Committee recommended that the state party withdraw its reservation to Article 9(2) CEDAW. Kuwait rejected recommendations to remove reservation to Article 9(2), last reiterated in Kuwait's sixth periodic report submitted in December 2021.

Additionally, per CEDAW Article 2, Kuwait has an obligation to pursue the elimination of discrimination against women by all appropriate means and without delay, including to eliminate gender discrimination in law and to ensure that public authorities and institutions refrain from discriminating against women. Kuwait therefore has an obligation to act to remove gender discrimination in the nationality law.

Inherent in the spirit and letter of international human rights treaties is the notion that each is mutually reinforcing and intersectional in character. Accordingly, as a Member State of the United Nations, Kuwait is obligated by the UN Charter to promote "*universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.*"² These human rights and fundamental freedoms are specified in the Universal Declaration of Human Rights (UDHR), many of which are also recognised as principles of customary international law.³

The combined effect of Kuwait's lack of implementation of its domestic legislation that incorporates its international obligations and its reservations to CEDAW is of great concern, especially in the context of gender discriminatory nationality laws and statelessness in Kuwait. Kuwait's Nationality also contradicts many of the other international human rights treaties ratified by Kuwait, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC).

Previous recommendations

² Article 55(c) of the Charter of the United Nations. According to Article 56 of the Charter, it is the obligation of all member states of the UN to take "joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

³ International Law Commission, "Draft Articles on Diplomatic Protection with Commentaries", 58th session, Yearbook of the International Law Commission, Vol. II, Part Two, 2006, p. 49.



In 2017, CEDAW recommended Kuwait to “[A]mend the Nationality Act to recognize the right of Kuwaiti women to transmit their nationality to non-Kuwaiti spouses and children on equal terms with Kuwaiti men, and to eliminate barriers faced by Kuwaiti women married to non-Kuwaiti men in gaining access to public housing.”⁴

In 2021, the Committee on Economic, Social and Cultural Rights (CESCR) recommended Kuwait remove all gender-discriminatory provisions that do not allow women to pass on their nationality to their non-Kuwaiti spouses and children.⁵ One year later, the Committee on the Rights of the Child (CRC) also urged Kuwait to eliminate gender discrimination in its nationality laws.⁶

Gender discrimination in Kuwait’s Nationality Law

The Kuwaiti Nationality Law of 1959 does not recognize the right of Kuwaiti women to transmit their nationality to non-Kuwaiti spouses and children on equal terms with Kuwaiti men. Article 2 of the law states that “any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national.” Article 3 states that Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority. Article 11 provides that the children of a Kuwaiti national man, being minors, shall also lose their Kuwaiti nationality if they themselves acquire *ipso facto* the nationality of the State according to the law of which their father has become naturalized if that law so provides. Such children shall reacquire Kuwaiti nationality upon their informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so. The law also stipulates the ability of Kuwaiti men to confer nationality on a noncitizen spouse:

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of Interior to a foreign woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration. All or part of the above requirement as to time may be waived upon the recommendation of the Minister of the Interior.

⁴ Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the combined third to fifth periodic reports of Kuwait’, CEDAW/C/KWT/CO/5, para. 33.

⁵ Committee on Economic, Social and Cultural Rights, ‘Concluding observations on the third periodic report of Kuwait’, E/C.12/KWT/CO/3, 3 November 2021.

⁶ Committee on the Rights of the Child, ‘Concluding observations on the combined third to sixth periodic reports of Kuwait’, CRC/C/KWT/CO/3-6, 19 October 2022.



This same right is not afforded to Kuwaiti women, with the law omitting any reference to the conferral of nationality on the noncitizen spouses of Kuwaiti women.

By denying women equal nationality rights with men, the Nationality Law of Kuwait undermines a woman's status as an equal citizen and contradicts the Kuwaiti Constitution, which stipulates in Article 29 that *"all people are equal in human dignity and in public rights and duties before the law..."* and in Article 7 that *"justice, liberty and equality are the pillars of society..."*.

Gender discrimination in Kuwait's nationality law also contributes to the root cause of gender-based violence (GBV) by undermining women's equal status in society. The nationality law contributes to GBV in other ways, including by increasing obstacles faced by women seeking to leave an abusive relationship, when their children's nationality is dependent upon an abusive spouse. Stateless girls are at increased risk of child marriage, with some families viewing marriage as the only way to secure citizenship and residency rights for undocumented girls. Stateless women and girls are also at an increased risk of human trafficking.

Discriminatory nationality laws are based on stereotypes, which in turn reinforce stereotypical roles for both women and men, such as the idea that a child "belongs" to a father rather than a mother, in which case the father's nationality is more likely to attach to them.

Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes such laws as a form of discrimination and provides that women are to have *"equal rights with men to acquire, change or retain their nationality,"* and *"with respect to the nationality of their children."* In its General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the CEDAW Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

By denying women equal nationality rights with men, Kuwait's nationality law undermines women's equality in the family. A root cause of statelessness, gender discrimination in Kuwait's nationality law results in severe consequences for affected women, girls, and their families, including obstacles preventing affected noncitizens from accessing education, healthcare, and social services. Women's inability to equally confer nationality on spouses further entrenches traditional stereotypes regarding the primacy of the male spouse's legal identity. Women's inability to equally confer citizenship on spouses also limits women's ability, in practice, to freely choose a spouse in violation of Article 16, and threatens family unity

Recent developments



In October 2023, the Kuwait Parliamentary Women, Family and Children Committee agreed on a proposed bill on the civil and social rights of the children of Kuwaiti women and requested its inclusion on the agenda of the National Assembly. The proposed bill would grant the children of Kuwaiti women and non-Kuwaiti men permanent residency and priority in employment after Kuwaitis and calls for them to be treated as Kuwaitis by ministries and state institutions. The proposed bill includes several provisions, including access to free healthcare and education, issuing commercial licences without requiring a Kuwaiti partner, benefits from the Social Insurance Institution, and inheritance rights.

Prior to a vote on the bill referenced above, Kuwait's Parliament was dissolved by a royal decree in February 2024, and new elections were held on April 4, 2024. Only one woman has been elected among the fifty members of parliament. As of this writing, it is unclear how the dissolution of the previous Parliament will affect the proposed bill on the civil and social rights of the children of Kuwaiti women. While the rights violations that result from gender discrimination in Kuwait's nationality law must be addressed, gender-equal nationality rights must be enshrined in Kuwait's law to uphold Kuwaiti women's equal rights permanently. Extending civil and other rights outside of citizenship will not address the perpetuation of statelessness amongst women, girls, men, and boys that results from gender discrimination in Kuwait's nationality law. Nor will such measures address the status of Kuwaiti women as unequal citizens due to gender discrimination in the nationality law.

Recommendations

The co-submitting organizations respectfully urge the Committee to make the following recommendations to the Kuwaiti government:

1. Amend Article 2 of the Nationality Law that denies women equal rights with respect to the transmission of nationality to their children, to allow Kuwaiti women to confer citizenship by operation of law on an equal basis as Kuwaiti men on their children.
2. Amend the Nationality Law to give women equal rights with respect to the transmission of nationality to their noncitizen spouses on an equal basis with Kuwaiti men.
3. Take steps to ensure that everyone who has been denied access to Kuwaiti nationality due to gender discriminatory laws, fully enjoys their human rights on a non-discriminatory and equal basis.
4. Withdraw all reservations to the CEDAW, particularly concerning the right to a nationality.



5. Accede to all relevant human rights, refugee and statelessness instruments, including the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Thank you very much for your attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Harrington".

Catherine Harrington
Campaign Manager
Global Campaign for Equal Nationality Rights