

Social Institutions and Gender Index

Kuwait

SIGI Country Profile

17 of June 2024

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The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

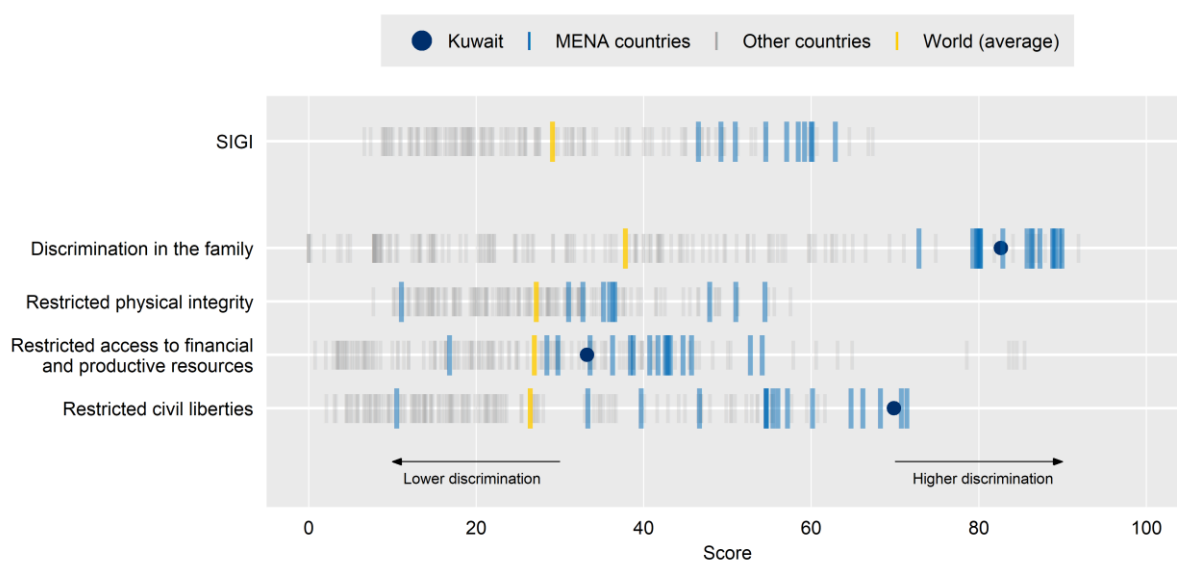
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Social institutions in Kuwait

The state of gender equality in Kuwait

The SIGI 2023 profile for Kuwait provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

Figure 1. SIGI and dimension scores for Kuwait, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Kuwait did not obtain a SIGI score due to missing data in the "Restricted physical integrity" dimension (Figure 1). The country is missing data on practices related to violence against women – more specifically, the share of women and girls aged 15-49 who have experienced physical and/or sexual violence by a current or former intimate partner at least once during their lifetime. The country obtained a

score of 83 in the “Discrimination in the family” dimension, followed by “Restricted civil liberties” (70), and “Restricted access to productive and financial resources” (33).¹

Legislative framework in Kuwait

The legal system is based on Civil law and Islamic law. Article 2 of the Constitution of Kuwait states that the Islamic Sharia is the principal source of legislation, but Article 35 provides for freedom of religion and observance of religious rites established by custom, provided that they do not conflict with morals or disturb public order. Distinct personal status laws (addressing marriage, divorce, child custody and inheritance) apply to different religious communities. According to Article 346 of the Personal Status Law, the law applies to those who follow the creed of Imam Malek, while other religious communities will apply their own personal status provisions – although they are not codified.

Article 29 of the Constitution recognises and prohibits multiple and intersectional discrimination – an essential provision to enhance gender equality from a legal perspective. Moreover, Kuwait ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)² in 1994 but maintains reservations on Articles 9(2), 16(1)(f) and 29(1).³ Kuwait expresses reservation on Article 9(2), which covers men’s and women’s equal rights with respect to the nationality of their children because it contradicts the Kuwaiti Nationality Act, which stipulates that a child’s nationality shall be determined by that of his father. In addition, Kuwait holds reservation on Article 16(1)(f) which covers equal rights to guardianship, wardship, trusteeship and adoption of children, since it conflicts with certain provisions of the Islamic Sharia.

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Kuwait, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

Positive highlights and significant challenges since the fourth edition of the SIGI

Positive highlights

The law in Kuwait grants women the same rights as men to own and use land and non-land assets as well as financial services. Moreover, women and men enjoy equal rights to apply for national identity cards and passports, and to travel in- and outside the country. In 2020, Kuwait’s National Assembly approved the Family Protection Law which provides support measures for families and women victims/survivors of domestic violence. Additionally, in 2021, Kuwait enacted a decree prohibiting discrimination in employment and sexual harassment in the workplace.

Significant challenges

¹ SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

² United Nations (1979), *Convention on the Elimination of All Forms of Discrimination Against Women*, United Nations, New York, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

³ United Nations (2023), “Status of Treaties: Chapter IV- 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4.

Discriminatory social institutions undermine women's and girls' rights and opportunities in many spheres of their lives. The Personal Status Law contains discriminatory provisions that restrict women's rights to be legal guardians of their children, to file for divorce, to inherit on equal grounds as men, and that require a married woman to obey her spouse. In addition, child marriage is not prohibited. The minimum legal age for marriage is 17 for boys and 15 for girls. Moreover, the law does not comprehensively protect women from all forms of violence. For instance, domestic violence and marital rape are not criminalised and the law allows for penalty reductions in case of "honour crimes." Discriminatory provisions are contained in most legal frameworks, limiting for instance girls' and women's physical integrity and reproductive rights, as well as undermining their citizenship rights and access to justice. In practice, discriminatory attitudes reinforce such inequalities. For instance, 79% of the population agree that men make better political leaders than women do.

Summary of results for Kuwait

Discrimination in the family	Unit	Value
Laws on child marriage	Score	75
Girl child marriage rate ¹	%	5.6
Boy child marriage rate ¹	%	3.3
Laws on household responsibilities	Score	75
Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem”	%	30.8
Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer”	%	68.2
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	-
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	-
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	-
Laws on divorce	Score	100
Laws on inheritance	Score	100
Restricted physical integrity	Unit	Value
Laws on violence against women	Score	75
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	38.2
Lifetime intimate-partner violence rate ²	%	-
12-month intimate-partner violence rate ²	%	-
Laws on female genital mutilation	%	100
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	-
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	-
Boy-to-girl ratio at birth (natural = 105) ³	Ratio	107.1
Laws on reproductive autonomy	Score	75
Unmet needs for family planning ⁴	%	13.4
Restricted access to productive and financial resources	Unit	Value
Laws on land assets	Score	0
Share of women among landowners	%	-
Laws on non-land assets	Score	0
Share of women among house owners	%	-
Laws on financial assets	Score	0
Share of women among bank account owners	%	34.5
Laws on workplace rights	Score	100
Share of the population declaring that “when jobs are scarce, men should have more right to a job than women”	%	62.7
Share of the population declaring that “men make better business executives than women do”	%	61.6
Share of women among managers	%	13.6
Share of firms with a woman as top manager	%	-
Restricted civil liberties	Unit	Value
Laws on citizenship rights	Score	100
Laws on political voice	Score	100
Share of the population declaring that “men make better political leaders than women do”	%	79
Share of women in Parliament (lower chamber)	%	6.3
Laws on freedom of movement	Score	0
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	67.5
Laws on access to justice	Score	75
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	41.1

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

¹ % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

² % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

³ A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

⁴ % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

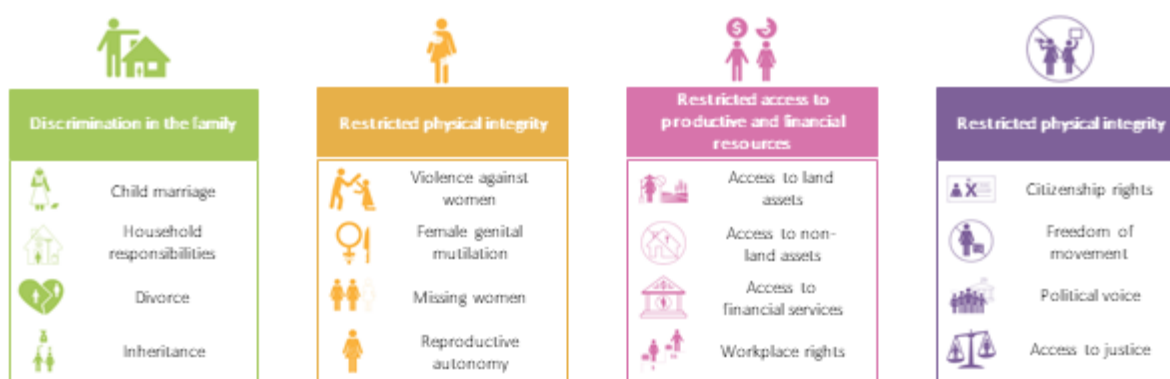
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.⁴ The CEDAW General Recommendation No. 33 also recognises indigenous laws.⁵ These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

⁴ United Nations (2018), "Module 1: The Theory and Practice of Women's Access to Justice Programming", *A Practitioner's Toolkit on Women's Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf.

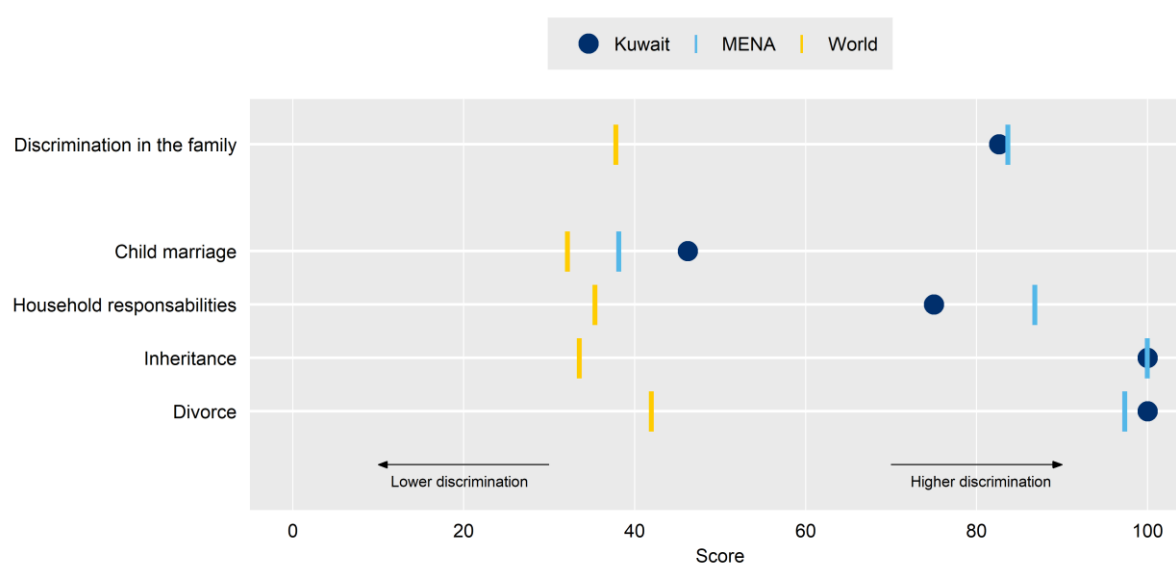
⁵ UN Committee on the Elimination of Discrimination against Women (2015), "General recommendation No. 33 on women's access to justice", *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

Discrimination in the family

Kuwait exhibits very high levels of discrimination within the family with a score of 83, compared to a world average of 38 and an average score of 84 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Kuwait experience the highest levels of discrimination in the “Inheritance” and “Divorce” indicators with scores of 100 for both, followed by “Household responsibilities” with a score of 75. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 46, still denoting high levels of discrimination.

Figure 3. Discrimination in the family scores for Kuwait, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Child marriage

Practices related to child marriage

Child marriage remains limited but present in Kuwait. In 2023, 6% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 3% of boys.

Legal frameworks concerning child marriage

Article 24 of the Personal Status Law⁶ establishes that the eligibility for marriage is defined by puberty, with Article 26 further specifying that no marriage can be authenticated and registered for boys aged less than 17 years and for girls aged less than 15 years. Matters of family and personal status in Kuwait are governed by religious courts. For instance, the Personal Status Law follows the principle of Islamic Sharia

⁶ State of Kuwait (1984), “Law No. 51 of 1984 on Personal Status”.

and only applies to Muslim individuals (Article 346). Non-Muslim minorities are subjected to their own personal status legal systems, including for matters related to marriage.

Question	Answer	Assessment
What is the legal age of marriage for men?	17	!
What is the legal age of marriage for women?	15	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	No	✓
Does the legal age of marriage apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Household responsibilities

Practices and social norms related to household responsibilities

There are no available data in Kuwait that are comparable to other countries on practices related to the division of household responsibilities. In 2023, worldwide, women dedicate 2.6 times more time on unpaid care and domestic work than men,⁷ while in the MENA region this ratio is 5.9 – based on countries for which data are available.

However, data on attitudes indicate the presence of prevailing discriminatory social norms that confine women to the household. In Kuwait, 31% of the population thinks that if a woman earns more than her husband, it is almost certain to cause problems. Moreover, 68% of the population agrees that children will suffer if the mother has a paid job outside the home, compared to a world average of 56% and an average of 70% in the MENA region. Likewise, 67% of the population thinks that being a housewife is just as fulfilling as working for pay.

Legal frameworks concerning household responsibilities

Following the principles of Islamic Sharia, Kuwait's Personal Status Law makes a clear distinction between custody and legal guardianship of a child. Article 189 of the Personal Status Law⁸ stipulates that the mother is the custodian of any child, unless she remarries with a person considered as non-*mahram* to the child (Article 191) – i.e. any person whom the child would be allowed to marry by law. The custody ends when the boy reaches puberty or when the girl marries (Article 193). In contrast, Article 209 of the Personal Status Law establishes the father, followed by the paternal grandfather, as the rightful legal guardian of a child. Moreover, matters of family and personal status in Kuwait being governed by religious courts, non-Muslim minorities are subjected to their own personal status legal systems, including for matters related to custody of children or right to be recognised as head of family.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be "head of household" or "head of family"?	n.a.	n.a.
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?	No	!
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?	No	!

⁷ This indicator corresponds to SDG indicator 5.4.1

⁸ State of Kuwait (1984), "Law No. 51 of 1984 on Personal Status".

Question	Answer	Assessment
Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?	No	✓

Note: Cut-off date for the legal data is 31 August 2022. The law in Kuwait does not refer to the “head of household” or “head of family”.
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Divorce

Legal frameworks concerning divorce

Kuwait's Personal Status Law introduces many restrictions regarding women's rights to initiate a divorce and finalise it. In line with the principles of Islamic Sharia, Articles 97 and 104 of the Personal Status Law⁹ grant a married man the right to divorce his spouse at will, without any restrictions (*talaq*). Conversely, a married woman's rights to obtain a divorce are very limited and precisely specified. Articles 120, 123, 136 and 138 list the grounds under which a woman is allowed to ask for a divorce. Finally, Article 111 grants a married woman the right to seek divorce by *khul'* – the process whereby the woman obtains divorce in exchange of paying her spouse an agreed financial compensation. Articles 155 to 161 of the Personal Status Law also establish a waiting period (*iddah*) for the divorced woman until she can remarry and whose length depends on whether she is pregnant or her former spouse is alive. Pursuant to Article 189 of the Personal Status Law, the mother is always the custodian of a child, even after divorce, unless the contract of marriage stipulates otherwise (Article 118) or she remarries with a person considered as non-*mahram* to the child (Article 191) – i.e. any person that the child would be allowed to marry by law. Finally, matters of family and personal status in Kuwait being governed by religious courts, non-Muslim minorities are subjected to their own personal status legal systems, including for matters related to divorce.

Question	Answer	Assessment
Do women and men have the same rights to initiate/file for a divorce?	No	!
Can women and men finalise a divorce or annulment with the same requirements?	No	!
Do women and men have the same rights to child custody following a divorce?	No	!
Regarding divorce, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Inheritance

Legal frameworks concerning inheritance rights

Provisions of the Personal Status Law governing inheritance matters follow the principles of Islamic Sharia, whereby female heirs are entitled to half of the inheritance share of male heirs. For instance, Article 327

⁹ State of Kuwait (1984), “Law No. 51 of 1984 on Personal Status”.

of the Personal Status Law¹⁰ establishes that male consanguineous relatives, including sons, are entitled to twice the share received by female ones, including daughters. Article 299 stipulates that a surviving widower receives one half of the estate (or one quarter if there are surviving children), whereas a surviving widow receives one quarter of the estate (or one eighth if there are surviving children). Finally, matters of family and personal status in Kuwait being governed by religious courts, non-Muslim minorities are subjected to their own personal status legal systems, including for matters related to inheritance. Article 293 of the Personal Status Law also prohibits inheritance between a Muslim and a non-Muslim.

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	No	!
Do female and male surviving spouses have the same rights to inherit?	No	!
Regarding inheritance rights of daughters, does the law apply to all groups of women?	No	!
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

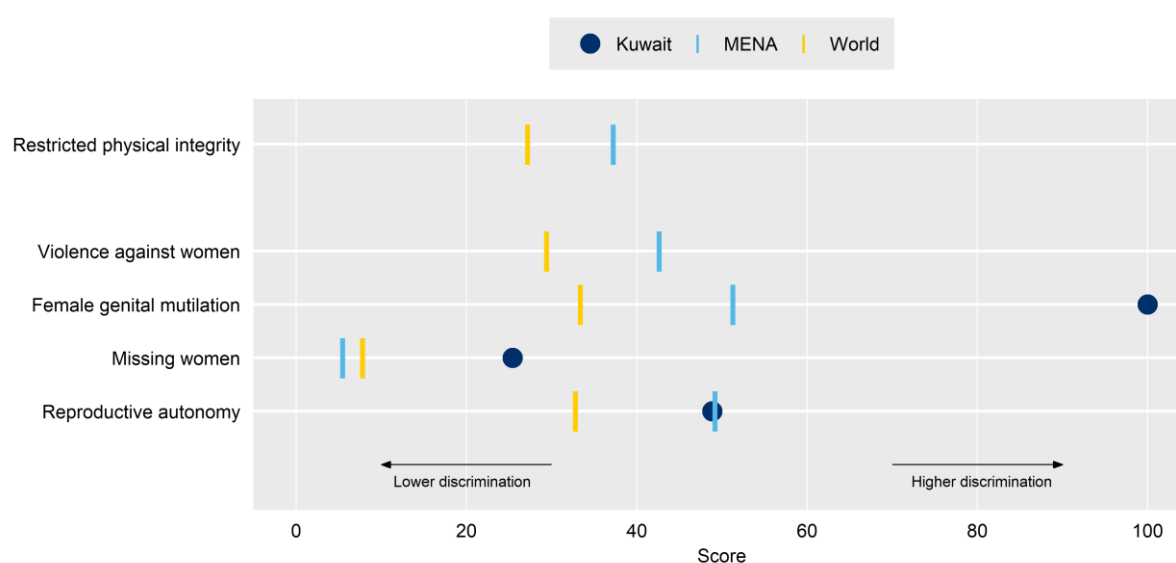
¹⁰ State of Kuwait (1984), "Law No. 51 of 1984 on Personal Status".

Restricted physical integrity

Kuwait did not obtain a score in the “Restricted physical integrity” dimension because of missing data points in certain underlying variables – namely the share of women who have experienced intimate-partner violence at least once over the last 12 months or during their lifetime.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Kuwait experience the highest levels of discrimination in the “Female genital mutilation” indicator with a score of 100, followed by “Reproductive autonomy” with a score of 49. The lowest levels of discrimination are found in the “Missing women” indicator with a score of 25.

Figure 4. Restricted physical integrity scores for Kuwait, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Violence against women

Practices and social norms related to violence against women

There are no available data in Kuwait that are comparable to other countries on the prevalence of intimate-partner violence against women – whether it is calculated over their lifetime or during the last 12 months.

Nevertheless, the social acceptance of intimate-partner violence is substantial. In 2023, 38% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In comparison, 30% of women holds these discriminatory attitudes worldwide, as well as across the MENA region – based on countries for which data are available.

Legal frameworks concerning violence against women

Kuwait does not have a dedicated law addressing all forms of violence against women. Different forms of violence against women (such as domestic violence or sexual violence) are covered in separate or general pieces of legislation. The Penal Code includes reduced penalties in cases of so-called “honour crimes”. Article 153 of the Penal Code¹¹ establishes that a man who surprises his spouse in the act of adultery, and kills her or the adulterer, will only be punished with a prison sentence not exceeding three years, compared to life imprisonment for intentional killing (Article 149). The Law on Protection from Domestic Violence¹² defines domestic violence and covers all types of abuse – physical, sexual, psychological and economic – but does not criminalise it. Moreover, although Article 186 of the Penal Code criminalises rape and grounds its definition on the notion of consent, it does not specifically cover marital rape. Finally, the Penal Code criminalises acts assimilated to sexual harassment without specifically mentioning in which places or contexts. In 2021, Article 2 of Ministerial Decree No. 177¹³ prohibited sexual harassment in the workplace, extending the protection to online settings by including modern technology.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	No	!
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	n.a.	n.a.
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	n.a.	n.a.
Does the law include reduced penalties in case of so-called “honour crimes”?	Yes	!
Domestic violence		
Is domestic violence a criminal offence?	No	!
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	Yes	✓
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	Yes	!
Rape		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	Yes	✓
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	No	✓
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	Yes	!
Does the legal definition of rape include marital rape?	No	!
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	Yes	!
Sexual harassment		
Does the law prohibit sexual harassment?	Yes	✓
Does the law on sexual harassment include criminal penalties?	Yes	✓
Do legal protections from sexual harassment apply in the workplace?	Yes	✓
Do legal protections from sexual harassment apply in educational establishments?	No	!
Do legal protections from sexual harassment apply in public spaces?	No	!
Do legal protections from sexual harassment apply online / on the internet?	Yes	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

¹¹ State of Kuwait (1960), “Law No. 16 of 1960 promulgating the Penal Code”.

¹² State of Kuwait (2020), “Law No. 16 of 2020 (Law on Protection from Domestic Violence)”.

¹³ State of Kuwait (2021), “Ministerial Decree No. 177 of 2021 on Prohibiting Discrimination in Employment and Prohibiting Sexual Harassment at Workplaces”, * Ministry of Trade and Industry*.

Female genital mutilation

Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common. In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.¹⁴

There are no available data in Kuwait that are comparable to other countries on practices and social norms related to female genital mutilation and cutting.

Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Kuwait's legal framework fails to protect women and girls from FGM, whether on broad or narrow grounds. No specific provisions exist in the Penal Code. Likewise, the law on children's rights¹⁵ covers children's rights in general but does not contain any specific provisions on FGM/C.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	No	!
Does the law criminalise FGM/C on narrow grounds only?	No	!
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	Yes	!
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	n.a.	n.a.

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of "female genital mutilation", "permanent altering/removal of external genitalia", "female circumcision", "excision", "infibulation" and "genital mutilation"; (2) criminalisation on broad grounds includes "mutilation", "harming of a person's organs", "serious bodily injury" and "bodily injury/hurt/assault." The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

Missing women

Practices related to missing women

The "Missing women" indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

¹⁴ Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

¹⁵ State of Kuwait (2015), "Law No. 21 of 2015 on Children Rights".

In Kuwait, the “missing women” phenomenon is present. The boy-to-girl sex ratio for children aged 0-4 is estimated at 107.1, which means that there are approximately 107.1 boys aged 0-4 for 100 girls of the same age. This ratio is substantially higher than the natural sex ratio at birth.

Reproductive autonomy

Practices related to women’s reproductive autonomy

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

In Kuwait, the gap between women’s reproductive intentions and their contraceptive behaviour exists, with 13% of women aged 15-49 who declare having an unmet need for family planning, compared to a world average of 12% and an average of 1% in the MENA region – based on countries for which data are available.

Legal frameworks concerning women’s reproductive autonomy

Women’s reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).¹⁶ Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.¹⁷

Article 174 of the Penal Code¹⁸ prohibits and criminalises abortion. However, Article 175 of the Penal Code introduces legal exceptions, namely if abortion is performed to save the life of the pregnant woman. Article 17 of Law No. 70 of 2020¹⁹ further extended the cases under which abortion is permitted, namely to save the mother’s life, if the continuation of the pregnancy seriously harms the mother’s health, and in case of severe physical deformity or mental deficiency of the foetus.

Question	Answer	Assessment
Is abortion illegal under any circumstances?	No	✓
Is abortion legally permitted in cases where: it is essential to save the woman’s life?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of incest?	No	!
Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy?	No	!
Is abortion legally permitted in cases where: foetal impairment?	Yes	✓
Does a woman require the approval of a medical practitioner to seek a legal abortion?	Yes	!
Does the law require the approval of the father of the foetus to seek a legal abortion?	No	✓
Is there any national plan or policy that provide universal access to family planning services?	No	!

¹⁶ CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women’s rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

¹⁷ UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

¹⁸ State of Kuwait (1960), “Law No. 16 of 1960 promulgating the Penal Code”.

¹⁹ State of Kuwait (2020), “Law No. 70 of 2020 regarding the practice of the medical profession and its auxiliary professions and the rights of patients and health facilities”.

Question	Answer	Assessment
Is there any law or national policy that provide free or subsidised access to contraception?	No	!
Does the national school curricula include mandatory and comprehensive sexuality education?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

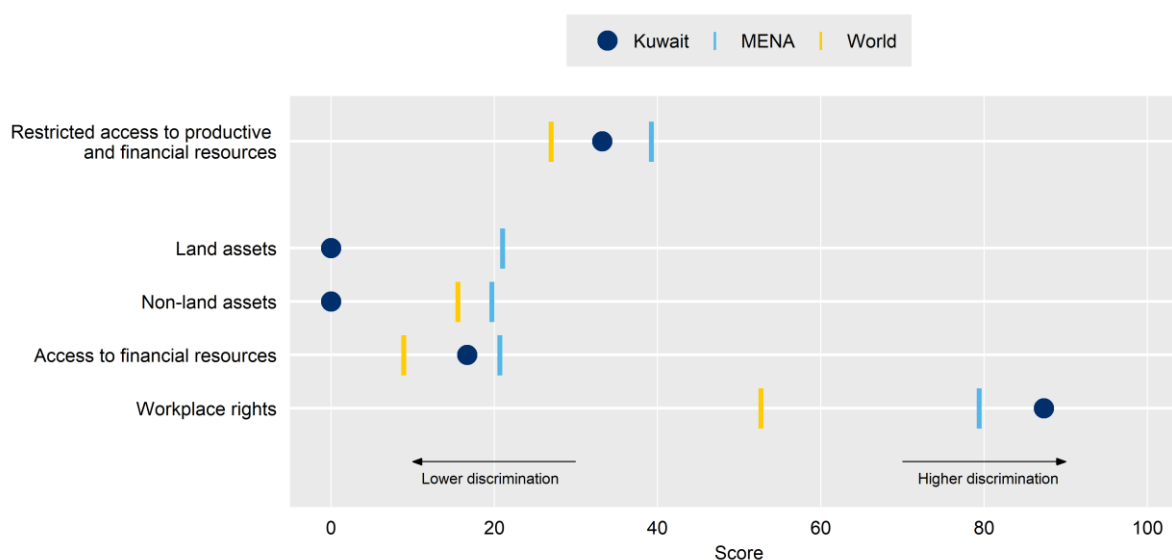
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Restricted access to productive and financial resources

Kuwait exhibits medium levels of discrimination within the family with a score of 33, compared to a world average of 27 and an average score of 39 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Kuwait experience the highest levels of discrimination in the “Workplace rights” indicator with a score of 87, followed by the “Access to financial services” indicator, with a score of 17. No discrimination is found in the “Access to land assets” and “Access to non-land assets” indicators, with a score of 0 for both.

Figure 5. Restricted access to productive and financial resources scores for Kuwait, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Access to land assets

Practices related to women’s access to secure land assets

In Kuwait, there are no available data that are comparable to other countries on practices related to access to land assets.

Legal frameworks concerning women’s access to land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	Yes	✓

Question	Answer	Assessment
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to non-land assets

Practices related to women's secure access to non-land assets

In Kuwait, there are no available data that are comparable to other countries on practices related to access to non-land assets.

Legal frameworks concerning women's access to non-land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to financial services

Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services remain an issue in Kuwait, but the overall access of the population is high. In 2023, 73% of women have a bank account at a financial institution, compared to 83% of men. This translates into women accounting for 35% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across the MENA region, on average, 40% of women have a bank account, compared to 54% of men, translating into women accounting for only 39% of bank account holders.

Legal frameworks concerning women's access to financial services

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Workplace rights

Practices and social norms related to women's workplace rights

Women remain largely excluded from decisions with decision-making power in the economic sphere. Women only account for 14% of employees in a managerial position,²⁰ compared to a world average of 25% and an average of 14% in the MENA region – based on countries for which data are available.

These gender gaps are upheld by discriminatory social norms that establish men as the main breadwinners and more fit to hold leadership positions. In Kuwait, 62% of the population believes that men make better business executives than women, compared to a world average of 42% and an average of 60% in the MENA region. Likewise, 63% of the population agrees that when jobs are scarce, men should have more right to a job than women. In comparison, 45% of the population holds these discriminatory attitudes worldwide, and 73% of the people across the MENA region – based on countries for which data are available.

Legal frameworks concerning women's workplace rights

The law does not mandate equal pay for work of equal value. However, Article 26 of the Labour Law²¹ mandates equal pay for equal work. Article 23 of the Labour Law prohibits the employment of women in hazardous, or arduous jobs, or jobs that are deemed harmful to health. It also prohibits their employment in places that offer their services solely to men. The list of prohibited works and places are defined in a decree issued by the Minister of Social Affairs and Labour, after deliberating with the Advisory Committee for Labour Affairs. Finally, Article 22 of the Labour Law prohibits the work of women at night, except in certain specific places such as hospitals or private clinics.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	Yes	✓
Does the law mandate equal remuneration for work of equal value?	No	!
Does the law prohibit women from entering certain professions?	Yes	!
Does the law allow women to work the same night hours as men?	No	!
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	No	!
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

²⁰ This indicator corresponds to SDG indicator 5.2.2

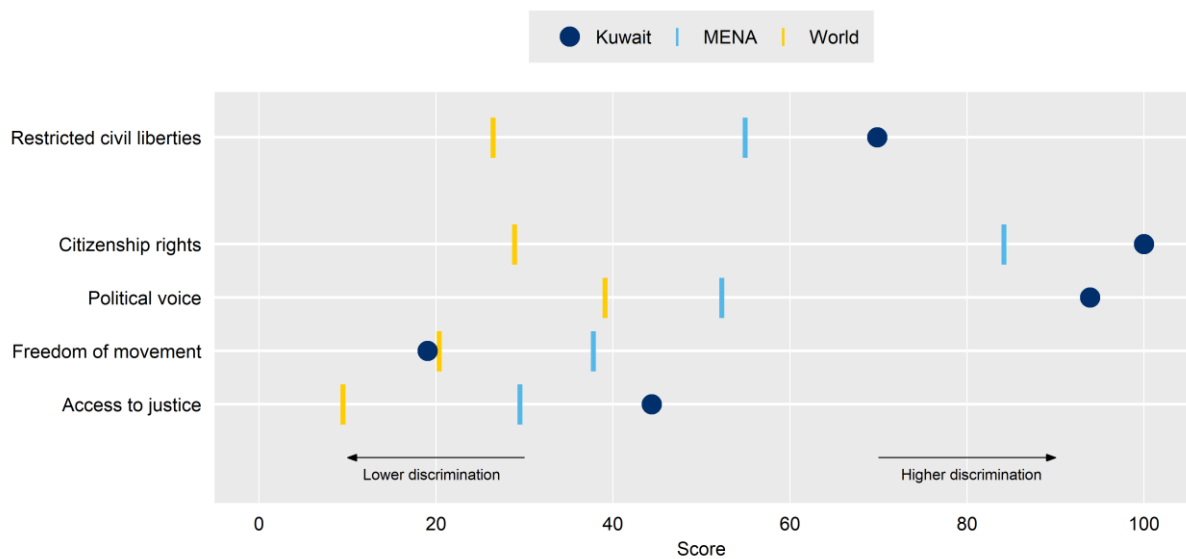
²¹ State of Kuwait (2010), "No. 6 of 2010 regarding Labour in the Private Sector".

Restricted civil liberties

Kuwait exhibits very high levels of discrimination within the family with a score of 70, compared to a world average of 26 and an average score of 55 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Kuwait experience the highest levels of discrimination in the “Citizenship rights” and “Political voice” indicators with scores of 100 and 94 respectively, followed by the “Access to justice” indicator with a score of 44. The lowest levels of discrimination are found in the “Freedom of movement” indicator with a score of 19.

Figure 6. Restricted civil liberties scores for Kuwait, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Citizenship rights

Legal frameworks concerning women’s citizenship rights

Pursuant to Article 2 of the Nationality Law,²² a person is deemed to be Kuwaiti when born of a Kuwaiti father only. Article 3 stipulates that a person born of a Kuwaiti mother can only obtain the Kuwaiti nationality by decree if the father is unknown. Article 8 of the Nationality Law provides that a foreign woman married to a Kuwaiti national can acquire the Kuwaiti nationality after fifteen years of marriage. There are no provisions for a foreign man who marries a Kuwaiti woman to acquire the Kuwaiti nationality. In this regard, marriage of a Kuwaiti woman to a foreign national does not confer the Kuwaiti nationality to the foreign man. Article 10 also stipulates that a Kuwaiti woman who marries a foreigner does not lose her Kuwaiti nationality unless she requests the nationality of her spouse.

²² State of Kuwait (1959), “Law Decree No. 15 of 1959 on the Kuwaiti Nationality Law”.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to acquire nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?	Yes	✓
Does the law provide married women with the same rights as married men to change their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to retain their nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their spouse?	No	!
Does the law provide married women with the same rights as married men to confer nationality to their children?	No	!
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?	No	!
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?	No	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Freedom of movement

Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. In Kuwait, women feel more unsafe than men, but only a small part of the overall population feels that way. Across the country, 17% of women declare not feeling safe walking alone at night in the city or in the area where they live, compared to 4% of men. This translates into women accounting for 68% of those who do not feel safe walking alone at night.

Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

Question	Answer	Assessment
Does the government provide national identity cards?	Yes	✓
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)	Yes	✓
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)	Yes	✓
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?	Yes	✓
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?	Yes	✓
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside the country?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside their homes?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Political voice

Practices and social norms related to women's political voice

Women's political representation in the country is very low, with women accounting for only 6% of the members of parliament in 2023, compared to a world average of 27% and an average of 17% in the MENA region.

Discriminatory attitudes that exclude women from positions of power in the political sphere are widespread, with 79% of the country's population declaring that men make better political leaders than women.

Legal frameworks concerning women's political voice

In 2005, Law No. 17²³ amended Article 1 of the Electoral Code²⁴ to grant women full and equal rights with men to vote and stand for election. However, Article 1 of the Electoral Code still stipulates that women, in order to vote or to be candidate, must adhere to the rules and regulations provided for in Islamic Sharia. This condition does not exist for men.

Question	Answer	Assessment
Does the law provide women with the same rights as men to vote?	No	!
Does the law provide women with the same rights as men to hold public and political office in the legislative branch?	No	!
Does the law provide women with the same rights as men to hold public and political office in the executive branch?	Yes	✓
Does the law provide women with the same rights as men to hold public office in the judiciary branch?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?	No	!
Do constitutional/legislated gender quotas exist to promote women's political representation at the local level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the national level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the local level?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to justice

Practices related to women's access to justice

In Kuwait, 18% of women do not trust the judicial system and courts, compared to 12% of men. This translates into women accounting for 41% of those who do not trust the country's judicial system.

Legal frameworks concerning women's access to justice

In line with the principles of Islamic Sharia, a woman's testimony does not always carry the same evidentiary weight as a man's testimony. For instance, Article 150 of the Personal Status Law²⁵ establishes

²³ State of Kuwait (2005), "Law No. 17 of 2005 regarding the amendment of Article (1) of Law No. 35 of 1962 regarding elections of members of the National Assembly".

²⁴ State of Kuwait (1962), "Law No. 35 of 1962 regarding elections of members of National Assembly".

²⁵ State of Kuwait (1984), "Law No. 51 of 1984 on Personal Status".

that, in matters of divorce, the testimony of two male witnesses is equivalent to that of one male and two female witnesses.

Question	Answer	Assessment
Does the law provide women with the same rights as men to sue?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the family courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.