

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 50th Session (3-21 October 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

KUWAIT

Kuwait has not signed or ratified the Convention on the Rights of Persons with Disabilities.

State Report

References to persons with disabilities:

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

14. In addition to the above, Kuwait has taken the necessary constitutional and legal steps to accede to the **Convention on the Rights of Persons with Disabilities**. At the regional level, Kuwait has signed the Arab Charter on Human Rights, which is currently before Kuwait's National Assembly.

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

...

- **The Rights of Persons with Disabilities Act No. 8/2010**

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

...

- **The Rights of Persons with Disabilities Act No. 8/2010** incorporates the following special rights for women caring for a **disabled person**:

- If the care is for a severely disabled person, a monthly allowance set by the **General Authority for Disability Affairs**
- A reduction of working hours for **carers of persons with a disability**, which applies to

- males and females alike
- Retirement for women caring for a **person with a moderate or severe disability** where their period of service exceeds 15 years
- Kuwaiti women married to non-Kuwaitis who are caring for a **severely disabled child** or spouse are afforded the benefit of specially adapted housing
- Male and female **civil servants with a disability** are exempt from the provisions governing sick leave, as decided by the Technical Committee
- Male and female civil servants who care for a child or spouse or who accompany carers are entitled to fully paid special leave that is nondeductible from other leave

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

...

- **Persons with a disability:** Persons rendered incapable by a **full or partial disability** of earning a living to support themselves and their family dependents

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

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

List of Issues

26. What concrete measures, including temporary special measures, is the State party taking to promote access to mainstream education (see para. 8 of the report), employment and cultural activities for women and girls with disabilities?

Recommendations from IDA:

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and protection from violence.
- Ensure the provision of reasonable accommodation in employment and vocational training for women with disabilities, including accommodations for different types of disabilities.

- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities.
- Ensure the provision of support services, including psychosocial support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.
- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health, both including physical treatment and psychological counselling, are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Guarantee in the law that women with disabilities, including those who have been restricted or deprived of their legal capacity, exercise their right to vote and to participate in public affairs on an equal basis with others in accordance with Article 7 CEDAW and Article 29 of the CRPD.
- Take steps to accede to the CRPD and its Optional Protocol.