



CSW Communications Procedure  
Human Rights Section  
UN Women  
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30 July 2018

**Re: Communication on the need for the Government of Kuwait to repeal Article 182 of its Penal Code fully and without any exceptions**

Dear Commission Members,

Pursuant to Economic and Social Council resolution 76 (v) of 5 August 1947, as amended by Economic and Social Council resolution 341 (XI) of July 1950<sup>1</sup>, we submit this communication<sup>2</sup> on the need for the Government of Kuwait to repeal Article 182 of its Penal Code fully and without any exceptions.

Campaign to Abolish Article 153<sup>3</sup> is a local non-governmental organisation led by a group of activists in Kuwait, concerned with ending all forms of violence against women in the Arabian Gulf and the region. The Campaign aims to raise awareness about the abolition of Article 153 of the Kuwaiti Penal Code and create a safe environment where mothers, daughters, sisters and wives are all protected from all forms of violence. Equality Now is an international human rights organization with ECOSOC status working to promote the equality of women and girls worldwide. This communication is in reference to Equality Now's Report: "The Global Rape Epidemic: How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence" (2017).<sup>4</sup>

Article 182 of the Kuwaiti Penal Code exempts rapists from punishment if they marry their victims, promoting violence against women and girls. It states that if a perpetrator of rape legally marries the victim with the permission of the victim's guardian, and the guardian requests that the perpetrator not be punished, then the perpetrator will live with impunity. The law serves to ward off "shame" and

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<sup>1</sup> The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

<sup>2</sup> Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communication process.

<sup>3</sup> <http://abolish153.org/>

<sup>4</sup> Available at [https://www.equalitynow.org/the\\_global\\_rape\\_epidemic\\_campaign](https://www.equalitynow.org/the_global_rape_epidemic_campaign)

preserve the “honor and dignity” of the victim’s family.

In 2017, the Human Rights Council recommended that all nations remove any provisions that enable, justify or lead to forced marriage, including provisions that enable perpetrators of rape to escape prosecution and punishment by marrying their victims, in particular by repealing such laws.<sup>5</sup> In November 2017, the Committee on the Elimination of Discrimination against Women (CEDAW) called on Kuwait specifically to **“repeal article 182 of the Criminal Code in order to prevent kidnappers and rapists from avoiding criminal prosecution by marrying their victim with the consent of the victim’s guardian.”**<sup>6</sup>

In recent years, UN Women has actively participated in successful campaigns to end “marry-your-rapist” laws<sup>7</sup>, which have contributed to the repeal of these laws in countries including Morocco in 2014, Jordan, Lebanon, and Tunisia in 2017, and Palestine in March 2018. The UN High Commissioner for Human Rights has stated “there is no place in today’s world for such hideous laws,”<sup>8</sup> and Kuwait is no exception.

Kuwait has an international legal obligation as a party to multiple human rights treaties and as a participant in the UN Sustainable Development Goals, particularly goals 5 and 10, to ensure that its laws are aligned with international and regional standards such that women and girls are free from sexual violence. Equality Now is advocating to encourage Kuwait to meet these standards by repealing Article 182 of its Penal Code entirely.

Today, we file this communication to request that the Commission call upon the Government of Kuwait to repeal, without delay, Article 182 of its Penal Code fully and without any exceptions. We also urge the Commission to refer this matter to the Economic and Social Council with a recommendation that it takes action to ensure Kuwait completes this repeal to bring them in line with international and regional human rights standards.

Sincerely,



Yasmine Hassan  
Global Executive Director  
Equality Now



Alanoud Alsharekh  
Founding Member  
Abolish Article 153

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<sup>5</sup> Available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Documents.aspx>

<sup>6</sup> Available at [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKWT%2fCO%2f5](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKWT%2fCO%2f5)

<sup>7</sup> Available at <http://www.unwomen.org/en/news/stories/2017/8/news-lebanon-parliament-repeals-rape-law>

<sup>8</sup> Available at <https://news.un.org/en/story/2017/08/563662-un-human-rights-chief-welcomes-rape-law-reform-lebanon-tunisia-jordan>