

THE LAW AND FGM/C

Kuwait

2026



About Orchid Project

Orchid Project is a UK- and Kenya-based non-governmental organisation catalysing the global movement to end female genital cutting (FGC). Orchid Project's strategy for 2023 to 2028 focuses on three objectives:

1. To undertake research, generate evidence and curate knowledge to better equip those working to end FGM/C
2. To catalyse, support and strengthen regional networks to actively participate in the movement to end FGM/C
3. To influence global and regional policies, actions and funding to end FGM/C.

Orchid Project's aim to expedite the building of a knowledge base for researchers and activists is being fulfilled in the [FGM/C Research Initiative](#).

About Wadi

Founded in 1992, Wadi's mission is rooted in the fundamental belief that true development only occurs when individuals possess the power to decide their own futures. We don't provide aid—we support communities to find local resilient solutions rooted in our fundamental beliefs in human rights and equality. Our strategy remains consistent: we provide the platform, but the community provides the voice.

Wadi pioneered the fight against FGM/C in Iraqi Kurdistan through grassroots action, media campaigns, and lobbying at a local and international level. This work has never stopped, only evolved to include the myriads of other forms of gender issues in the area and we continue to work to empower women through literacy, education, vocational education, women's health access in order to combat the systemic roots of gender-based violence.

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Acknowledgements: Hogan Lovells International LLP

Recommended citation: Orchid Project (2026) *The Law and FGM/C: Kuwait*. Available at <https://www.fgmc.org/country/kuwait>

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WORKING TOGETHER TO END
FEMALE GENITAL CUTTING

Overview of Domestic Legal Framework

Overview of Domestic Legal Framework in Kuwait	
The Constitution explicitly prohibits:	
x	Violence against women and girls
x	Harmful practices
x	Female genital mutilation (FGM/C)
National legislation:	
x	Provides a clear definition of FGM/C
✓	Criminalises the performance of FGM/C - under the Penal Code
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM/C - under the Penal Code
✓	Criminalises the failure to report incidents of FGM/C - under the Penal Code and Child Law
x	Criminalises the participation of medical professionals in acts of FGM/C
✓	Criminalises the practice of cross-border FGM/C - under the Penal Code
x	Government has a strategy in place to end FGM/C

Introduction



Figure 1: Map of Kuwait (1)

The State of Kuwait borders the Persian Gulf, Iraq and Saudi Arabia, and comprises six governorates. It has a population of 5.5 million (2), of which approximately 60% live in Kuwait City and along the coastline of the Persian Gulf.

Ethnic groups include Kuwaitis (30.4%), other Arabs (27.4%), Asians (40.3%), Africans (1%) and other groups (0.9%) (includes European, North American, South American, and Australian) (3). Kuwaitis make up less than 32% of the overall population, meaning foreign nationals account for more than two-thirds (4) 74.1% of the population are Muslim, and Islam is the official religion of Kuwait (70% are Sunni; 30% are Shia) (5); the remainder are Christian 14.3%; Hindu 8.5%; Buddhist 2.8%; other/unaffiliated 0.3% (2).

Note on Terminology

In Middle Eastern countries female circumcision is sometimes referred to as *khatana* or *sunat*. In most reports about the practice in Kuwait the term FGM/C is used (or sometimes female circumcision). However, for consistency across Orchid's law reports the term FGM/C has been used throughout.

Female genital cutting is classified into four major types by the World Health Organization (WHO):

Type 1: This is the partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive part of the female genitals), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).

Type 2: This is the partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without removal of the labia majora (the outer folds of skin of the vulva).

Type 3: Also known as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans.

Type 4: This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g., pricking, piercing, incising, scraping and cauterizing the genital area (6).

Prevalence of FGM/C

A study conducted between 2001 and 2004 (7) involving 4,800 women, found FGM/C prevalence is 38% (7). Types 1 and 3 were the most common types found among participants.

The 2001–2004 study did not extensively discuss how FGM/C is tied with Kuwaiti identity or ethnicity. However it did state that women who engage with the practice typically possess '[...] strong norms on behaviour and morality imposed by tradition [...]' (7).

While this report provides information on FGM/C prevalence in Kuwait, it does not identify the age at which women were cut or who performed the procedure. Nor does it specify the region in which the study took place. It has been suggested that this may be due to fear of retaliation from members of the relevant community, or to an anonymity agreement with the hospital from which participants were recruited.

Interestingly, while the study suggested methods to discourage FGM/C should focus on increased education and cultural empowerment of women in legal, political, and social spheres, the study also found that the women included in the study were 'well-educated, financially well-endowed' for whom 'terms such as "cultural empowerment and legal and political representation of women" are mere hollow words' (7). This suggests that, in this context, education and empowerment alone may be insufficient to end the practice of FGM/C.

Further information about FGM/C in Kuwait is available at:
<https://www.fgmc.org/country/kuwait>

National Legal Framework

Kuwait is a constitutional monarchy(emirate) with a mixed legal system consisting of English common law, French civil law, and Islamic sharia law.

The highest courts are the Constitutional Court (which consists of 5 judges appointed by the Amir on recommendation of the Supreme Judicial Council); the Supreme Court or Court of Cassation (which is organized into several circuits, each with 5 judges).

Subordinate courts include the High Court of Appeal; Courts of First Instance; Summary Court (8).

Article 10 of the State of Kuwait's Constitution places an obligation on the State to care for and protect the child 'from moral, physical and spiritual neglect' (9). Article 40 provides that 'The State shall devote particular care to the physical, moral and mental development of youth'.

Applicable general laws

There is no legislation which expressly deals with FGM/C but certain provisions of Kuwait's **Penal Code, Rights of the Child Law and the Domestic Violence Act** can be read as addressing and prohibiting FGM/C.

Kuwait Penal Code (Law No 16 of 1960) (10)

Article 160 (as amended by Law No. 9 of 1985): *'Any person who batters, injures, grievously harms or physically assaults another person shall be punished by imprisonment for a term not exceeding two years and a fine not exceeding one hundred fifty dinars, or one of these two penalties.'*

Child Endangerment Provisions contained in the Penal Code:

Article 166 states that those who are legally responsible for another person who is unable to support themselves due to (among other things) age, (i.e. a child, defined as under 18 years), may be punished with imprisonment if they fail to perform that legal obligation resulting in injury to the child ('victim').

If FGM/C is treated as an offence under Article 160, and a parent/guardian arranged or assisted the procedure, it could also be argued that Article 166 applies on the basis that a person legally responsible for the child failed in that responsibility in a way that resulted in harm.

Domestic Violence Act (Law No 16 of 2020): (11) Introduced in 2020, this law criminalises domestic violence as any form of

***Article (1:2):** physical, psychological, sexual or financial treatment, whether it is an act, omission or a threat thereof, committed by a family member against one or more of them bypassing his legal responsibility. Such acts are punishable by a fine and/or imprisonment.*

Family members include children of the household/family head. The Law also commits the State to providing temporary safe haven shelters, a telephone hotline, and access to legally binding protection orders.

Rights of the Child Law (No 20 of 2015): (12)

The Rights of the Child Law 'guarantees the child all basic rights' and various Articles are relevant to criminalisation of FGM/C and protection of children:

***Article (3) A.** The right of the child in life, survival and development in a coherent and cooperative family, and being under various preventive measures, and to protect him from all forms of physical, moral or sexual violence, injury, neglect, negligence or other forms of ill-treatment and exploitation.*

***Article (26):** Every person - including a person under professional confidentiality - has the duty to notify child protection centres in writing if he or she finds that there is a threat to the child's health or physical integrity if that person is responsible for caring for children.*

Part II of the Rights of the Child Law deals with limitations in respect of crimes committed against or by a child, and penalties which are discussed later.

Article 71 opens Part II with definitions of the types of abuse against a child covered by the Law. These include neglect, physical abuse resulting in injury, psychological (emotional) abuse harming their mental development, and sexual abuse which includes 'touching ... penetrating the genitalia or any part of the body, using a tool.' Although FGM/C is not generally regarded as 'sexual abuse', this definition could be applied to the practice.

Procuring, Aiding and Abetting FGM/C

If FGMC is held to be a criminal offence under the **Penal Code, Articles 160 and 162**, then other Articles in the **Penal Code, notably Articles 47–49** will apply to those who arrange and assist in acts of FGM/C. **Article 47:** The following are considered to be principals to an offense:

A person who commits, alone or with others, the act constituting the offense, or commits an act that is constituent of the offense.

A person who aids in the commission of the offense, or is present at the place where the offense is committed or in proximity thereto with a view to overcoming any resistance or with the intention of strengthening the offender's determination.

The person performing the FGMC would come under the first of these 'principals', and accomplices to that performance of FGMC would come under the second group.

These principals are defined further in Article 48, which includes the coming together of two or more people who conspire to arrange and assist in an FGMC procedure:

***Article 48:** First. Any person who abets the commission of the act constituting an offense, and that act is committed upon abetting.*

Second. Any person who conspires with another to commit the offense, and the offense is committed upon such conspiracy.

Third. Any person who knowingly aids the principal, in any manner, in the preparation for the commission thereof, making the occurrence thereof possible due to such aid.

Article 48 (third) of the Penal Code would include those who provide premises, tools or other resources used in carrying out the criminal act of FGM/C.

In addition to Article 48, **Article 49 (second)** could be read as covering those who provide the tools used in performance of FGM/C: 'Any person who conceals the things obtained from or used in the commission of the offense.'

Failure to report FGMC

Section 3 of the **Kuwait Penal Code** refers to 'Failure to report or prevent offences', but only covers murder, arson and theft (Article 143), or those who fail to assist others who are 'threatened by a serious danger to his life or property as a result of a general crisis such as drowning, flooding, fire or earthquake.' (Article 144) Failure to report a crime of assault or inflicting harm on another does not appear to be covered.

However, failure to report an incident of FGM/C could be covered under **Article 10 of the Domestic Violence Act**, and the penalties will be the same as those provided for the crimes in the Penal Code which include assault and harm as set out in Articles 160 and 162.

***Article (10):** Anyone who witnessed or became aware of an incident of domestic violence shall report it. In the case of domestic violence, the author enjoys legal protection, confidentiality and anonymity unless judicial proceedings require otherwise. The penalties stipulated in the provisions of refraining from reporting the crimes mentioned in Law No. (16) of 1960 shall apply to those who fail to report the crimes.*

Under the **Rights of the Child Law**:

***Article (26):** Every person - including a person under professional confidentiality - has the duty to notify child protection centres in writing if he or she finds that there is a*

threat to the child's health or physical integrity if that person is responsible for caring for children.

This would include health professionals and teachers with a duty to notify the child protection centres and appropriate authorities if they believe an act of FGM/C is likely to take place.

The Rights of the Child Law establishes Child Protection Centres:

Article (77) states that *Child Protection Centres shall be established in each of Governorates of the State, to be affiliated to the Supreme Council for Family Affairs.*

Staff attached to these CPCs will include psychologists, social workers, physicians and legal professionals. The purposes of the CPCs include receiving and investigating complaints of potential abuse, treating and arranging care for any child exposed to harm, developing and supervising implementation of plans and programs aimed at protecting children from harm, and providing a hotline to receive all complaints of child endangerment.

Article 79: makes clear what is meant by danger on which the CPCs must act: 'Any act that threatens the life or physical or moral integrity of the child irrevocably, is deemed to be an imminent danger.'

Damaging or cutting off a girl's clitoris is a violation of her physical integrity, and therefore she is in imminent danger and in need of protection.

Medicalised FGM/C

The extent to which FGMC is carried out by medical professionals within clinics and hospitals, or elsewhere in Kuwait, is not known, as no surveys dealing with this aspect have been conducted. However, there are Articles in the Penal Code and the Rights of the Child Law that could be said to address medical professionals and traditional FGM/C cutters.

Penal Code:

Article 168: *A person who has undertaken, other than in cases of emergency, to administer a surgery or treatment of another person, or to conduct a lawful act which involves a life or health risk, while he does not have adequate expertise or has not exercised due diligence in the performance of his duty, and his act resulted in death or injury of the victim, shall be punished in accordance with the provisions set out in Articles (154) and (164).*

This Article would criminalise FGM/C procedures undertaken by people who do not hold medical qualifications, i.e. traditional practitioners/cutters. It may also include midwives and health visitors who would not normally be called upon to perform surgery on a child.

Rights of the Child Law

Article (26): *Every person - including a person under professional confidentiality - has the duty to notify child protection centres in writing if he or she finds that there is a*

threat to the child's health or physical integrity if that person is responsible for caring for children.

While this Article 26 does not criminalise medical professionals directly, it does place them under a duty to notify those in charge of child protection, if a child's health or physical integrity is threatened. This means that if a medical professional (doctor or other qualified health professional) is asked by parents to carry out FGM/C they must report it; the parents would then be investigated within the bounds of the Penal Code and Child Law.

Cross-Border FGM/C

The jurisdiction of the Penal Code is set out in Articles 11 and 12:

Article 11: *The provisions of the present Code apply to any person who commits, within the territory of the State of Kuwait and its annexed regions, an offense stipulated herein. Any person who commits abroad an act that renders him a principal or accomplice in an offense that takes place wholly or partially in the territory of Kuwait is also subject to the provisions of this Code.*

Under **Article 11** someone brought into Kuwait to carry out FGM/C, and those living in Kuwait who arranged (i.e. as accomplices) for that person to enter the country for the purposes of conducting FGM/C within Kuwait, will be committing an offence under the Articles 160 and 162, as well as Articles 47–49.

Article 12 provides that the Penal Code will apply to any Kuwaiti who takes their daughter to another country for the purposes of FGM/C, if FGM/C is also criminal in that other country:

Article 12: *The provisions of the present Code also apply to any Kuwaiti national who commits outside Kuwait an act that is punishable in accordance with the provisions of this Code and with the provisions of the law in force at the place where the act was committed, if that person returns to Kuwait without the foreign courts' having acquitted him of the acts attributed to him.*

Penalties

If performance of FGM/C is held to be criminal **under Article 160 of the Penal Code** then the following penalties will apply. These would also apply if the FGM/C procedure is arranged by the parent or guardian of the child under Article 166 regarding child endangerment:

Article 160 (as amended by Law No. 9 of 1985): *Any person who batters, injures, grievously harms or physically assaults another person shall be punished by imprisonment for a term not exceeding two years and a fine not exceeding one hundred fifty dinars, or one of these two penalties.*

Article 162 (as amended by Law No. 9 of 1985): *A person who inflicts harm on another person in such a way as to cause a permanent disability shall be punished by imprisonment for a term not exceeding ten years. A fine not exceeding seven hundred fifty dinars may be supplemented to the penalty.*

Article 163 (as amended by Law No. 9 of 1985): *A person who commits a minor act of aggression of lesser gravity than the acts referred to in the preceding articles shall be punished by imprisonment for a term not exceeding three months and a fine not exceeding twenty-two dinars and five hundred fils, or one of these two penalties.*

Under the Rights of the Child Law, penalties listed under Article 80 could apply:

Article (80): *Without prejudice to any more severe penalty stipulated in another law, a person who prevents the child from obtaining his/ her rights contained in Articles (3) and (6) of this law, shall be liable to imprisonment for a term not exceeding one year and a fine of not less than two thousand Kuwaiti Dinars or one of them.*

Procuring, Aiding and Abetting FGM/C

Articles 52–56 of the Penal Code set out circumstances to be taken into account in determining the penalty for those who perform FGM/C and their accomplices, with sentences ranging from two years' imprisonment under Article 160, up to ten years in prison under Article 162 if permanent disability is caused. In both cases there may also be a fine, again depending on circumstances.

Implementation of the Law

There have been no criminal prosecutions in Kuwait against perpetrators of FGM/C under either the Kuwait Penal Code, the Rights of the Child Law or the Domestic Violence Act.

Role of the State

The **Rights of the Child Law** refers to the State's role in caring and protecting children from physical and mental harm:

Article 6 (3): *The State shall guarantee to the child - in all spheres - the right to a healthy and clean environment, and take all effective measures to eliminate harmful practices to their health.*

This places a duty on the State to take steps that will lead to elimination of FGM/C which has direct implications for girls' health.

This law goes on to set out a strategy for protecting children which includes the setting up of the Child Protection Centres referred to earlier. Overseeing the work of the CPCs will be an administrative body that should include representatives from the Ministries of Health, Interior, Education, Social Affairs and Labor, as well as representatives of Public Benefit Organizations (non-governmental and civil society organisations approved by the State of Kuwait) concerned with children's issues.

The Domestic Violence Act (Articles 3 – 5) requires the State to establish a 'National Committee for Protection from Domestic Violence' with representatives from all relevant Ministries including Health, Education, Social Affairs, Justice and Information, and two representatives from civil society. This was established in 2023 (13). The purpose of this Committee is to 'formulate the general policy for the protection of the family, strengthen its bonds, confront all matters related to domestic violence, approve executive plans thereof, and follow up on its implementation.' Services to be provided in each governorate include shelters for victims of family violence (which should complement the work of the CPCs), a hotline for affected women to get assistance, psychological and other support services, and plans to raise awareness about domestic violence and its impact on families.

Convention on the Elimination of Discrimination Against Women (CEDAW)

The Domestic Violence Act was passed in 2020, largely as a result of CEDAW's recommendation in their 2017 Concluding Observations on Kuwait's Fifth Periodic Report (14). However, in their Concluding Observations on Kuwait's Sixth Periodical Report (15), in June 2024, the CEDAW Committee noted that whilst the Act was now in place, there was still a requirement for an act of violence against a woman to be witnessed by two men (15). No reference was made to FGM/C in the State's 6th Periodic Report.

In September 2025 the UN appointed a Special Rapporteur to visit Kuwait to review the situation regarding violence against women and girls. Whilst in her Preliminary Findings Report (16), she praised the State for setting up the National Committee and making progress in relation to gender equality, nationality issues and laws against honour killings, no reference

was made to the prevalence of FGM/C as a harmful practice for which a plan was needed to eliminate it.

Following these CEDAW recommendations, in November 2025 the Government of Kuwait introduced a number of amendments to the Personal Status Laws relating to child protection (17):

Marriage below the age of 18 is now prohibited, irrespective of religious or sectarian interpretations. This reform aligned with Kuwait's endorsement of CEDAW and the CRC. This reform was largely driven by an understanding of the detrimental effects child marriage can have on a girls' health and education (18).

Article 153 of the Penal Code was abolished. This provision had set out reduced sentences for men who committed 'honour killings' of female relatives as an 'excusable crime' rather than murder, thereby perpetuating impunity for violence against women. Under Decree 9 of 2025, all murders, regardless of motive, are now subject to full criminal liability (17).

While there is no direct link between the harmful practice of FGM/C and early marriage, it is an indication of the overall vulnerability and legal standing of girls, and the cultural environment in which FGM/C occurs.

Convention on the Rights of the Child

However, in their Concluding Observations on Kuwait's 3rd-6th Periodic Review (19) under the Convention, in October 2022, the CRC Committee did raise the issue of FGM/C and other harmful practices:

Para 29 (b): *Raise awareness about the harmful effects of child marriage and female genital mutilation on the physical and mental health and the well-being of girls, targeting households, local authorities, religious and traditional leaders, teachers, health-care workers and law enforcement personnel.*

Organisation of Islamic Co-operation:

Kuwait has been a member of the Organisation of Islamic Co-operation since 1969. Kuwait has not signed the Cairo Declaration on the Elimination of FGM/C (in June 2003); it has not been signed by any of the Gulf States or Middle East countries as, then, it was seen as only relevant to African members of OIC. However, in February 2025, the OIC's Independent Permanent Human Rights Commission (IPHRC) issued a statement on behalf of its membership on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', in which it made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with international human rights standards. This statement is reproduced at Annex 4 (20).

The IPHRC's statement calls on member states to take 'urgent and coordinated action to eliminate FGM' by: a) enacting and enforcing legislation to eliminate FGM and other harmful practices, b) implementing effective measures to protect women and girls from harmful practices, and c) conducting widespread awareness and advocacy campaigns about the dangers of FGM and to dispel misconceptions regarding its religious basis.

Reference is also made to ending harmful practices in the OIC's Plan of Action for the Advancement of Women (OPAAW) which was adopted by OIC's Sixth Session of the Ministerial Conference on the Role of Women in the Development of OIC Member States held in Istanbul in November 2016 (21). The following statements reference this commitment:

Objective No 6: *Protection of Women from Violence: Combating all forms of gender-based violence, human trafficking and other harmful traditional practices against women and girls. Combating different forms of violence against women and girls including deprivation of opportunities and full enjoyment of their rights through preventive measures and provisions of rehabilitation to victims and punishment of perpetrators.*

Section 6 (g): *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders.*

And in the matrices setting out the Mechanisms for Implementation:

- *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders (21 p.34).*
- *Combating gender-based violence in all its manifestations, including domestic violence, human trafficking, fighting harmful traditional practices and violence against displaced women (22 p.36).*
- *Integrate sexual and gender-based violence response, including child violence in all humanitarian policies and develop channels of communication to denounce these harmful practices and provide necessary assistance to victims (22 p.40).*

Civil Society Observations

Human Rights Watch (HRW) submitted a report in 2020 to the Convention on the Rights of the Child's consideration of Kuwait's 3rd-6th Periodic review (23), raising the issue of FGM/C and recommending that the government: (1) Pass a law banning FGM for girls and non-consenting adult women; and (2) take measures to combat the prevalence of FGM, and the practice of FGM by developing national strategies and action plans to eradicate FGM including mainstreaming prevention strategies into policies and programs that deal with reproductive health, education, and literacy development.

CSOs and NGOs in Kuwait have long been required to comply with a complex registration process, which has restricted what they are permitted to do and how they may raise funds (24). In 2025, the Government introduced a new regulatory framework governing the establishment and operation of CSOs and NGOs, which is expected to restrict their activities further. The Government maintains that the revised regulations are intended to prevent profiteering and political involvement. A specialised committee for humanitarian and charitable work will also be established, overseen by the Deputy Prime Minister and the Minister of Interior (25). This may make it harder for CSOs and NGOs to conduct surveys on the prevalence of FGC, particularly if such work is regarded as political, or as relating to a traditional, religious or cultural practice outside the permitted activities of CSOs and NGOs.

Conclusions

Although there is no legislation which specifically deals with criminalisation of the performance of FGM/C, there are provisions under the Penal Code, the Domestic Violence Act, and the Rights of the Child Law which can be applied to FGM/C:

Penal Code Articles 160 and 163:

Article 160 (as amended by Law No. 9 of 1985): *Any person who batters, injures, grievously harms or physically assaults another person shall be punished by imprisonment for a term not exceeding two years and a fine not exceeding one hundred fifty dinars, or one of these two penalties.*

Article 163 (as amended by Law No. 9 of 1985): *A person who commits a minor act of aggression of lesser gravity than the acts referred to in the preceding articles shall be punished by imprisonment for a term not exceeding three months and a fine not exceeding twenty-two dinars and five hundred fils, or one of these two penalties.*

Domestic Violence Act: Article 1(2) defines domestic violence as

Any form of physical, psychological, sexual or financial treatment, whether an act, omission or threat of an act committed by a family member against one or more family members, in excess of his legal responsibility, in accordance with the acts or crimes stipulated in all national legislations.

Rights of the Child Law 'guarantees the child all basic rights' defined at Article 3A:

Article (3) A: *The right of the child in life, survival and development in a coherent and cooperative family, and being under various preventive measures, and to protect him from all forms of physical, moral or sexual violence, injury, neglect, negligence or other forms of ill-treatment and exploitation.*

Recommendations

Research demonstrates that while important, legislation against FGM/C should be part of a holistic, multi-sectoral approach to effectively work toward elimination of the practice. Enforcement of the law without a holistic approach can lead to fear and pushing the practice underground.

The following recommendations, therefore, should be considered alongside holistic and multi-sectoral approaches to ending the practice.

1. Introduce a law that explicitly prohibits and criminalises FGM/C in Kuwait. This law should cover perpetrators; procuring, aiding and abetting FGM; providing tools and premises for the purposes of FGM/C; and failure to report a planned or past incident of FGM/C. **OR:**

Amend the Kuwait Penal Code and Child Rights Law to define and make specific reference to FGM/C as a criminal offence.

Guidance on the features that should be included in a law against FGM/C are set out in Orchid Project's Model Law report, which is available [here](#).

2. Develop Ministry of Health guidelines on the dangers of FGM/C for all professional medical, health and welfare staff working in Kuwait's hospitals and clinics, including midwives, doctors and nurses, and introduce regulations that specifically forbid the practice from being undertaken in public and private health facilities, with penalties for doing so that include their licence to practice medicine being withdrawn.
3. Strengthen border controls, to deter individuals intending to perform FGM/C from entering Kuwait with the intention of undertaking FGM/C within Kuwait and prevent parents of girls living in Kuwait from being taken out of the country to undergo FGM/C in another country.
4. Undertake a national statistical and disaggregated survey of Kuwait to reliably determine prevalence and features of the practice of FGM/C, including surveying those who have already undergone FGM/C or are at risk of undergoing FGM/C, and assessing the extent to which medicalisation of the practice is taking place.

Appendix 1: International and Regional Treaties

Treaty	Signed	Ratified	Acceded	Reservations on reporting
Convention on the Elimination of All Forms of Discrimination Against Women (1979) (CEDAW)			2 September 1994	Article 9, paragraph 2: 'The Government of Kuwait reserves its right not to implement the provision contained in Article 9, paragraph 2, of the Convention, in as much as it runs counter to the Kuwaiti Nationality Act, which stipulates that a child's nationality shall be determined by that of his father.' Article 16(f): 'The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in Article 16 (f) in as much as it conflicts with the provisions of the Islamic Shariah, Islam being the official religion of the State.' Article 29, paragraph 1: 'The government of Kuwait declares that it is not bound by the provision contained in Article 29, paragraph 1.'
Convention on the Rights of the Child (1989) (CRC)	7 June 1990	21 October 1991		'[Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of

				Islamic Shar'a and the local statutes in effect.' Article 7: 'The State of Kuwait understands the concepts of this article to signify the right of the child who was born in Kuwait and whose parents are unknown (parentless) to be granted the Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws.' Article 21: 'The State of Kuwait, as it adheres to the provisions of the Islamic Shariah as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption.'
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'Signed': a treaty is signed by countries following negotiation and agreement of its contents.

'Ratified': once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

'Acceded': when a country ratifies a treaty that has already been negotiated by other states.

Annex 2: CEDAW General Recommendation No 14: Female Circumcision

UN CEDAW Committee, General Recommendation No. 14 (ninth session, 1990): Female circumcision. The Committee on the Elimination of Discrimination against Women, Concerned about the continuation of the practice of female circumcision and other traditional practices harmful to the health of women,

Noting with satisfaction that Governments, where such practices exist, national women's organizations, non-governmental organizations, and bodies of the United Nations system, such as the World Health Organization and the United Nations Children's Fund, as well as the Commission on Human Rights and its Sub- Commission on Prevention of Discrimination and Protection of Minorities, remain seized of the issue having particularly recognized that such traditional practices as female circumcision have serious health and other consequences for women and children,

Taking note with interest the study of the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children, and of the study of the Special Working Group on Traditional Practices,

Recognizing that women are taking important action themselves to identify and to combat practices that are prejudicial to the health and well-being of women and children,

Convinced that the important action that is being taken by women and by all interested groups needs to be supported and encouraged by Governments,

Noting with grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision,

Recommends that States parties:

- Take appropriate and effective measures with a view to eradicating the practice of female circumcision. Such measures could include:
 - The collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices;
 - The support of women's organizations at the national and local levels working for the elimination of female circumcision and other practices harmful to women;

- The encouragement of politicians, professionals, religious and community leaders at all levels, including the media and the arts, to co-operate in influencing attitudes towards the eradication of female circumcision;

The introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision;

- Include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies could include the special responsibility of health personnel, including traditional birth attendants, to explain the harmful effects of female circumcision;

Invite assistance, information and advice from the appropriate organizations of the United Nations system to support and assist efforts being deployed to eliminate harmful traditional practices;

- Include in their reports to the Committee under articles 10 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women information about measures taken to eliminate female circumcision.

Annex 3: Role of the State (UN: CEDAW/C/GC/31/Rev.1;CRC/C/GC/18/Rev.1)

In 2019 the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child issued a Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment, and No. 18 of the Committee on the Rights of the Child (2019), on harmful practices.

Available at: [g1913442.pdf](#) or [www.documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf](#)

The objective of this Joint General Recommendation/General Comment is to clarify the obligations of States parties to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices.

This Joint Recommendation/General Comment sets out a framework that States should follow in order to eliminate harmful practices. Of particular note are the recommendations as set out below:

Article 39. The Committees recommend that the States parties to the Conventions:

- (a) Accord priority to the regular collection, analysis, dissemination and use of quantitative and qualitative data on harmful practices disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors, and ensure that such activities are adequately resourced. Regular data collection systems should be established and/or maintained in the health-care and social services, education and judicial and law enforcement sectors on protection-related issues;
- (b) Collect data through the use of national demographic and indicator surveys and censuses, which may be supplemented by data from nationally representative household surveys. Qualitative research should be conducted through focus group discussions, in-depth key informant interviews with a wide variety of stakeholders, structured observations, social mapping and other appropriate methodologies.

Article 55. The Committees recommend that the States parties to the Conventions adopt or amend legislation with a view to effectively addressing and eliminating harmful practices. In doing so, they should ensure:

- (a) That the process of drafting legislation is fully inclusive and participatory. For that purpose, they should conduct targeted advocacy and awareness-raising and use social mobilization measures to generate broad public knowledge of and support for the drafting, adoption, dissemination and implementation of the legislation;
- (b) That the legislation is in full compliance with the relevant obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and other international human rights standards that prohibit harmful practices and that it takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems;
- (c) That they repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws and any legislation that accepts the defence of honour as a defence or mitigating factor in the commission of crimes in the name of so-called honour;
- (d) That the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions;
- (e) That the legislation adequately addresses, including by providing the basis for the adoption of temporary special measures, the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focuses on the human rights and needs of the victims and fully takes into account the best interests of children and women;
- (f) That a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;
- (g) That a legal requirement of marriage registration is established and effective implementation is provided through awareness-raising, education and the existence of adequate infrastructure to make registration accessible to all persons within their jurisdiction;
- (h) That a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage;
- (i) That national human rights institutions are mandated to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by women and children, in a confidential, gender sensitive and child-friendly manner;
- (j) That it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they

have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report;

(k) That all initiatives to draft and amend criminal laws must be coupled with protection measures and services for victims and those who are at risk of being subjected to harmful practices;

(l) That legislation establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents even when they are committed in a State in which they are not criminalized;

(m) That legislation and policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or being persecuted as a result of such practices as a ground for granting asylum. Consideration should also be given, on a case-by-case basis, to providing protection to a relative who may be accompanying the girl or woman;

(n) That the legislation includes provisions on regular evaluation and monitoring, including in relation to implementation, enforcement and follow-up;

(o) That women and children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and that the perpetrators and those who aid or condone such practices are held accountable;

(p) That the legislation includes mandatory restraining or protection orders to safeguard those at risk of harmful practices and provides for their safety and measures to protect victims from retribution;

(q) That victims of violations have equal access to legal remedies and appropriate reparations in practice.

Article 69. The Committees recommend that the States parties to the Conventions:

(a) Provide universal, free and compulsory primary education that is girl friendly, including in remote and rural areas, consider making secondary education mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish non-discriminatory return policies;

(b) Provide girls and women with educational and economic opportunities in a safe and enabling environment where they can develop their self-esteem, awareness of their rights and communication, negotiation and problem-solving skills;

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

- (d) Ensure that schools provide age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition and protection from violence and harmful practices;
- e) Ensure access to non-formal education programmes for girls who have dropped out of regular schooling, or who have never enrolled and are illiterate, and monitor the quality of those programmes;
- (f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

Article 73: The Committees recommend that the States parties to the Conventions:

- (a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained to prevent, identify and respond to incidents of harmful practices, including mitigating negative effects for victims and helping them to gain access to remedies and appropriate services;
- (b) Provide training to individuals involved in alternative dispute resolution and traditional justice systems to appropriately apply key human rights principles, especially the best interests of the child and the participation of children in administrative and judicial proceedings;
- (c) Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices;
- (d) Conduct specialized awareness and training programmes for health-care providers working with immigrant communities to address the unique health-care needs of children and women who have undergone female genital mutilation or other harmful practices and provide specialized training also for professionals within child welfare services and services focused on the rights of women and the education and police and justice sectors, politicians and media personnel working with migrant girls and women.

Article 81. The Committees recommend that the States parties to the Conventions:

- (a) Develop and adopt comprehensive awareness-raising programmes to challenge and change cultural and social attitudes, traditions and customs that underlie forms of behaviour that perpetuate harmful practices;
- (b) Ensure that awareness-raising programmes provide accurate information and clear and unified messages from trusted sources about the negative impact of harmful practices on women, children, in particular girls, their families and society at large. Such

programmes should include social media, the Internet and community communication and dissemination tools;

(c) Take all appropriate measures to ensure that stigma and discrimination are not perpetuated against the victims and/or practising immigrant or minority communities;

(d) Ensure that awareness-raising programmes targeting State structures engage decision makers and all relevant programmatic staff and key professionals working within local and national government and government agencies;

(e) Ensure that personnel of national human rights institutions are fully aware and sensitized to the human rights implications of harmful practices within the State party and that they receive support to promote the elimination of those practices;

(f) Initiate public discussions to prevent and promote the elimination of harmful practices, by engaging all relevant stakeholders in the preparation and implementation of the measures, including local leaders, practitioners, grass-roots organizations and religious communities. The activities should affirm the positive cultural principles of a community that are consistent with human rights and include information on experiences of successful elimination by formerly practising communities with similar backgrounds;

(g) Build or reinforce effective partnerships with the mainstream media to support the implementation of awareness-raising programmes and promote public discussions and encourage the creation and observance of self-regulatory mechanisms that respect the privacy of individuals.

Article 87. The Committees recommend that the States parties to the Conventions:

(a) Ensure that protection services are mandated and adequately resourced to provide all necessary prevention and protection services to children and women who are, or are at high risk of becoming, victims of harmful practices; (

b) Establish a free, 24-hour hotline that is staffed by trained counsellors, to enable victims to report instances when a harmful practice is likely to occur or has occurred, and provide referral to needed services and accurate information about harmful practices;

(c) Develop and implement capacity-building programmes on their role in protection for judicial officers, including judges, lawyers, prosecutors and all relevant stakeholders, on legislation prohibiting discrimination and on applying laws in a gender-sensitive and age-sensitive manner in conformity with the Conventions;

(d) Ensure that children participating in legal processes have access to appropriate child-sensitive services to safeguard their rights and safety and to limit the possible negative impacts of the proceedings. Protective action may include limiting the number of times that a victim is required to give a statement and not requiring that

individual to face the perpetrator or perpetrators. Other steps may include appointing a guardian ad litem (especially where the perpetrator is a parent or legal guardian) and ensuring that child victims have access to adequate child sensitive information about the process and fully understand what to expect;

(e) Ensure that migrant women and children have equal access to services, regardless of their legal status.

Annex 4: OIC statement dated 2 Feb 2025 (20)

OIC-IPHRC, on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with the international human rights standards.

Jeddah, 6th February 2025: The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) joins the international community in commemorating the 'International Day of Zero Tolerance for Female Genital Mutilation (FGM) 2025' and strongly condemns all forms of violence against women and girls, including the harmful practice of Female Genital Mutilation (FGM). The Commission reaffirms that FGM is a deeply entrenched traditional practice with no religious justification and stands in clear violation of human rights.

The Commission emphasizes that Islam upholds the dignity and rights of women and categorically rejects practices that cause physical, psychological, or emotional harm. It is estimated that over 230 million girls and women worldwide have suffered the effects of FGM and that an estimated 27 million additional girls are at risk of undergoing FGM by 2030 unless action is accelerated¹. FGM violates several human rights outlined under the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child. The practice of FGM is recognized internationally as a violation of the human rights of girls and women. It is mainly carried out on minors and is a violation of the rights of the girl child. The practice also violates a person's right to health, security, and physical integrity; the right to be free from torture and cruel, inhuman, or degrading treatment; and the right to life in instances when the procedure results in death.

The Commission acknowledges and appreciates efforts being taken by the Member States against this practice that endangers the physical and psychological health of women and girls. It was concluded at the Second Islamic Conference of Ministers in charge of Childhood held in Khartoum in 2009² that FGM is a violation of the human rights of girls and women. OIC has adopted 'The Cairo Declaration of the OIC on Human Rights³, in which specific sections are included on 'Human Rights of Women,' which calls for the protection of women against all forms of discrimination, violence, abuse, and harmful traditional practices. Also, OIC welcomed the UN General Assembly resolution 67/146, entitled, 'Intensifying global efforts for the elimination of female genital mutilations' and resolution 67/144, entitled, 'Intensification of efforts to eliminate all forms of violence against women⁵, both of which were adopted without a vote. Human Rights Council adopted resolution 44/16 on the elimination of FGM to speed up efforts to reach zero tolerance for FGM by 2030 and to restate

the global ban on the harmful practice as it constitutes a serious violation of women rights. Goal 5 of the 2030 Agenda for Sustainable Development⁷ calls for eliminating FGM. The International Islamic Fiqh Academy, in its Resolution No. 220 (4/23)⁸, categorically stated that female genital mutilation is prohibited in Islam. Accordingly, the OIC Plan of Action for the Advancement of Women (OPAAW)⁹ and its comprehensive implementation mechanism, while supporting international efforts, calls for the eradication of all harmful practices, in particular, FGM.

The Commission calls for collective efforts to empower women and girls through education, healthcare, and legal protection. It calls upon governments, civil society organizations, and the media to take urgent and coordinated action to eliminate FGM. Human rights-based approaches to eradication include, but are not limited to, the enforcement of laws, education programs focused on empowerment, and campaigns to recruit change agents from within communities. Accordingly, the Commission urges governments to: (a) enact and enforce legislation to eliminate FGM and other harmful practices; (b) implement effective administrative measures to protect women and girls from harmful practices and violence and ensure accountability; (c) conduct widespread awareness and advocacy campaigns to educate the public on the dangers of FGM and dispel misconceptions regarding its religious basis. In this regard, the Commission, while respecting cultural sensitivities and national laws, affirmed its readiness to work together with all relevant OIC institutions and Member States to bring an end to all forms of violence, bias, and discrimination against women.

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Disclaimer

This report analyses and discusses the application of national (criminal) laws to the commission of FGM/C and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM/C, available legal protective measures for girls and women at risk of FGM/C, and any obligations of national governments in relation to FGM/C.

The initial research conducted for this report consisted of a questionnaire prepared by Hogan Lovells International LLP with input from certain local law firms, local non-governmental organisations and/or other information providers (together, the Information Providers). The information contained in the responses to that questionnaire was then reviewed by Orchid Project, updated and used as the basis of further research from relevant sources.

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