



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined third to sixth reports submitted by Kuwait under article 44 of the Convention, due in 2018\*\* \* \*\*

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- \*\* The present document is being issued without formal editing.
- \*\*\* The annexes to the present report may be accessed from the web page of the Committee.

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## **Combined third to sixth periodic reports of the State of Kuwait concerning the Convention on the Rights of the Child**

### **1. Introduction**

The combined third to sixth periodic reports of the State of Kuwait concerning the implementation of the Convention on the Rights of the Child are submitted pursuant to article 44 of the Convention. The Committee that is tasked with preparing reports of the State of Kuwait to international human rights bodies, and which comprises representatives of all competent governmental bodies, contributed to the preparation of this report. The Committee held a meeting with non-governmental organizations (NGOs) on Wednesday, 4 April 2018, in order to engage in consultations with them on the preparation of the report. Account was also taken of Act No. 21 of 2015 concerning the rights of the child, which is consistent with relevant international norms.

The report consists of four parts. The first part is the introduction. The second part deals with the steps taken by the State of Kuwait to implement the concluding observations contained in document CRC/C/KWT/CO/2. The third part addresses the concluding observations issued by the Committee on the Rights of the Child to the State of Kuwait concerning the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/KWT/CO/1). The fourth part addresses the concluding observations issued by the Committee on the Rights of the Child to the State of Kuwait concerning the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KWT/CO/1).

### **2. Steps taken by the State of Kuwait to implement the concluding observations**

#### **Paragraph 6**

In line with international treaties, the principles enshrined in the Convention on the Rights of the Child and its two Optional Protocols, and United Nations General Assembly resolutions, the Juvenile Code No. 11 of 2015 was promulgated and amended by Act No. 1 of 2017. Article 33 of the Code provided for the establishment of a Juvenile Court within a framework consistent with children's fundamental nature and for social measures on behalf of juveniles to prevent delinquency.

Act No. 21 of 2015 regulates the criminal prosecution of child abusers and article 94 prescribes a severe penalty for anyone who abuses a child.

The Criminal Code criminalizes domestic violence. Articles 186 to 192 prescribe penalties for sexual assault and article 167 prescribes penalties for heads of families who fail to provide minors with basic means of subsistence.

#### **Paragraph 8**

Reservation is a right recognized in article 51 of the Convention, which permits States to enter a reservation. Furthermore, it is a matter of sovereignty under general international law, inasmuch as the circumstances and laws of each country should be taken into account in order to facilitate the State's ratification of the Convention.

The reservation entered by the State of Kuwait to article 7 concerning the child's right to acquire a nationality was due to its incompatibility with the Kuwaiti Nationality Act, which stipulates that children's nationality shall be acquired from their father.

With regard to the reservation to article 21 of the Convention concerning the system of adoption, the content of the article is incompatible with the Kuwaiti Personal Status Act and the provisions of the Islamic sharia.

### **Paragraph 10**

Act 21 of 2015 concerning the rights of the child incorporates the rights and principles enshrined in the Convention and its Optional Protocols, and takes into account the best interests of the child in terms of well-being, respect and rights. The Act has been attached as an annex to the report.

A High Committee for the Protection of Children was established by Ministerial Decree No. 116 of 2013. It is composed of representatives of ministries with specific responsibilities pertaining to children, such as the Ministry of Health, the Ministry of Education, the Ministry of the Interior and the Ministry of Foreign Affairs, as well as representatives of NGOs and other stakeholders. It is tasked with developing policies and procedures for promoting health care and psychological and social care for child victims of violence. It established a procedure for the early detection and treatment of cases involving violence, delinquency and exploitation of children, juveniles and persons with disabilities by developing a system for early detection and treatment of cases of children subjected to psychological and physical violence, providing preventive and therapeutic care for victims of violence, and ensuring their rehabilitation and reintegration into society.

The Committee is also preparing a protocol on the management of cases of ill-treatment, neglect and exploitation of children, which will serve as a frame of reference concerning the rights of the child and the duties of institutions and individuals, including the investigatory and judicial authorities.

A children's channel was launched by the official Kuwaiti television authority with a view to raising public awareness and preventing child abuse. An advisory task force was created on behalf of the channel pursuant to Administrative Decision No. 89 of 2018.

The Committee won an award for the best multidisciplinary team from the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) and was honoured in September 2018 at the Society's Conference held in Prague in the Czech Republic.

### **Paragraph 12**

One of the objectives of the State's Medium-Term Development Plan (2015/16–2019/20) is the provision of care for socially sensitive groups, such as children, delinquents, persons with disabilities and older persons, and their integration into society. The measures taken have focused on developing social, health and cultural care, providing a sound environment for all children, and establishing a mechanism for early detection of cases of violence and delinquency to which such groups may be exposed.

### **Paragraph 14**

The Supreme Council for Family Affairs was established by Decree No. 401 of 2006, and its fields of competence include, according to Decision No. 10 of 2016:

Coordination with relevant ministries with a view to developing a comprehensive family development plan, providing basic care and services for families, and taking the necessary steps to standardize the trajectory and guidelines of governmental and voluntary social care on behalf of families;

Submission of proposals and setting of standards for evaluation of the performance of institutions working on behalf of the family, children, women, youth, older persons and persons with disabilities and in the area of family and social services, with a view to assessing their performance, offering them instructions on how to develop their work, and establishing networks with the institutions so that they can deliver basic services to the family.

The Council also has a family counselling team that offers advice on the enhancement of family cohesion and stability.

### Paragraph 16

(a) The State of Kuwait has traditionally adopted a human rights-based approach. This was clearly demonstrated in the State's Plan for the period 2015/16 to 2019/20 and in the budget approved by the Ministry of Finance. When the State draws up ministerial budgets, children clearly form part of the work of the ministries concerned, such as the Ministry of Health. The budget of the Ministry of Education focuses on children. It should be mentioned in this regard that the Ministry of Finance allocates annual budgetary sums to the Ministry of Social Affairs in order to support the activities of children and juveniles in social care homes. The following allocations were made for the fiscal year 2017/18:

A sum of 182,000 Kuwaiti dinars (KD), which is equivalent to 605,210 United States dollars (\$), was allocated to support the activities of children and juveniles in care homes and community development centres, including artistic activities. The allocation included a sum of KD 142,000, which is equivalent to \$472,197, for an annual trip outside the State of Kuwait.

A sum of KD 200,000, which is equivalent to \$660,600, was allocated for rewards and prizes to be distributed among residents of health-care facilities to cover costs and serve as bonuses for festivals and special occasions, including prizes for art competitions, dramatic activities, successes and the Arab Child Week.

The Ministry of Health allocates funds in its annual budget for child development, training and professional development programmes for staff working with children, and awareness-raising campaigns.

The Ministry of Education allocates extremely large budgets for all students, including for persons with disabilities and illegal residents, based on the comprehensive components and requirements of the educational process, in its annual plan. Annex 1 contains the Ministry's budget.

The Public Authority for the Affairs of Persons with Disabilities also has an extremely large budget aimed at providing educational support for persons under 21 years of age. The educational support budget for persons with disabilities totalled KD 35 million, which is equivalent to \$115,229,544. Persons with disabilities under 21 years of age are allocated monthly benefits ranging from D 185 for minor disabilities, D 225 for moderate disabilities and D 277 for severe disabilities.

(b) The Ministry of Education allocates an annual budget for activities and events on behalf of families and children, in which they participate. The budget for 2017 included the following allocations:

- A sum of KD 5,000, which is equivalent to \$16,425, was allocated to meet the costs of radio and television programmes and the activities of the Supreme Council for Family Affairs;
- A sum of KD 182,000, which is equivalent to \$597,897, was allocated to meet the costs of public festivals, such as International Women's Day, Arab Child Day and Arab Family Day, as well as activities, leisure trips and gifts provided to residents of social care and juvenile care homes.
- A sum of KD 17,000, which is equivalent to \$55,847, was allocated for exhibitions of child and youth activities in social care homes, and to meet the needs of a self-help project and a project for developing Kuwaiti women's professional and economic skills.

Pursuant to Act No.12 of 2011 on public assistance, financial aid may be granted to orphaned children whose father has died, regardless of whether they are Kuwaitis or of some other nationality, provided that the mother is a Kuwaiti citizen. Article 3 (2) of Amiri Decree No. 15 of 1959 stipulates that the financial aid shall be disbursed until they obtain employment or another source of livelihood, in accordance with the laws in force.

A monthly sum is allocated to children of unknown parentage, residents of family nurseries and foster children, in accordance with article 5 of Act No. 80 of 2015 concerning foster families, as follows: if the beneficiary is a student aged 21 years or over, a monthly

sum of KD 440, which is equivalent to \$1,445, is allocated to cover the costs of all services, clothes, textbooks, etc.; if the beneficiary is unemployed and studying outside the country, a monthly sum of KD 559, which is equivalent to \$1,836, is allocated. In addition, a sum of KD 60, which is equivalent to \$197, is allocated to one-week-old beneficiaries until they reach the age of 21 years.

Annex 2 contains a table of financial allocations for children in foster family care.

(c) The Public Authority for the Affairs of Persons with Disabilities implements the provisions of Act No. 8 of 2010, in particular the provisions of the chapter concerning benefits for Kuwaiti children with disabilities, and Kuwaiti children of illegal residents and migrants who are treated like Kuwaitis pursuant to a decision by the Minister of the Interior. The details are contained in annex 3.

The State is required to cater for children with disabilities and to provide for their treatment and education. Annex 4 provides details concerning governmental assistance for illegal residents.

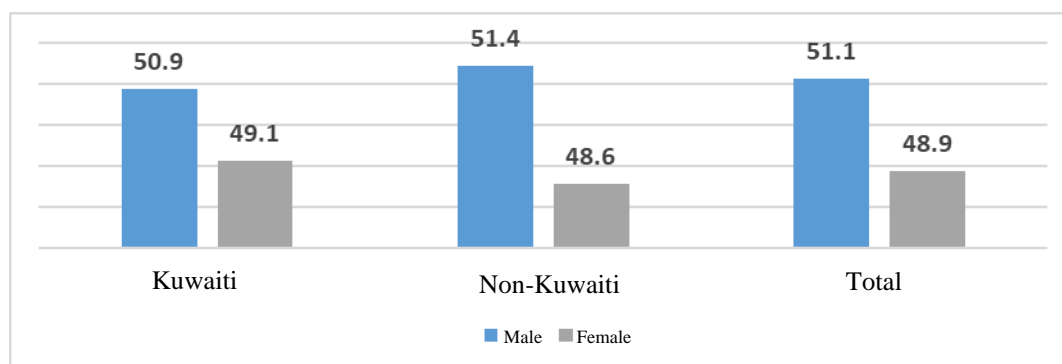
The State covers the cost of treatment of all children of illegal residents. They are treated free of charge in all governmental clinics and hospitals, just like Kuwaitis.

### Paragraph 18

The Central Bureau of Statistics compiles data on children, which are contained in the social statistics bulletin, the vital statistics bulletin, the educational statistics bulletin and other documents which are published periodically. In addition, data on children are published on the official website of the Central Bureau of Statistics: [www.csb.gov.kw](http://www.csb.gov.kw).

The national system of the Public Authority for the Affairs of Persons with Disabilities contains a database with information concerning all applications for assistance on behalf of persons with disabilities and special needs and their parents or guardians in the State of Kuwait. The data are disaggregated according to the individual's civil number, name, date of birth, gender, nationality, region and governorate (annex 5 contains recent data, disaggregated by sex and nationality, for children with disabilities who are under 18 years of age). The State accords high priority to the right to education of persons with disabilities, in line with the basic principles of availability, empowerment and amelioration. Education on behalf of persons with disabilities was launched in 1955, and a major increase was subsequently recorded in the number of schools and students. Annex 6 shows the number of schools and of Kuwaiti and non-Kuwaiti students in the area of special education.

The following table shows child ratios in the State of Kuwait, disaggregated by sex and gender, during 2018:



Annex 7 contains the data recorded by the Public Authority for the Affairs of Persons with Disabilities in 2016.

The following table shows the number of cases of disability recorded in 2018:

<i>Gender</i>	<i>Developmental</i>	<i>Learning</i>	<i>Hearing</i>	<i>Intellectual</i>	<i>Mobility</i>	<i>Physical</i>	<i>Psychological</i>	<i>Visual</i>	<i>Total</i>
Female	1 218	1 787	2 327	5 672	9 214	3 695	26	1 917	25 846
Male	2 532	4 040	2 707	10 114	12 991	3 947	42	2 904	39 277
<b>Total</b>	<b>3 750</b>	<b>5 827</b>	<b>5 034</b>	<b>15 786</b>	<b>22 205</b>	<b>7 642</b>	<b>58</b>	<b>4 821</b>	<b>65 123</b>

### **Paragraph 20**

Act No. 67 of 2015 concerning the National Human Rights Commission includes in its preamble a reference to Decree No. 104 of 1991 approving the accession of the State of Kuwait to the Convention on the Rights of the Child. Protection of children's rights and preservation of their dignity constituted a fundamental frame of reference for the establishment of the National Human Rights Commission, in accordance with domestic legislation and international treaties. In line with ongoing efforts to activate the National Human Rights Commission and enable it to perform the duties specified Act No. 67 of 2015, Decree No. 269 of 2018 on the appointment of members of the Board of Directors of the National Human Rights Commission was promulgated.

Article 6 of the Act specifies the Commission's responsibilities and is consistent with paragraph 3 of the Paris Principles.

Article 9 of the Act provides for the establishment of standing committees by the Board of Directors, including the Family Rights Committee. As children are the key component of the family, the provision in the Act for the establishment of the Family Rights Committee as a standing committee underscores the importance attached to children in domestic legislation.

The Minister of the Interior issued Decision No. 645 of 2015 establishing a Child Protection Division in the Juvenile Protection Department to receive communications from hospital protection teams, conduct a preliminary investigation and then refer them, if necessary, to the competent authorities to complete the investigation.

The Ministry of Health has taken steps to provide protection for children. Child protection teams were created by Ministerial Decision No. 127 of 2014 to promote speedy decision-making in such cases and rapid intervention to ensure the safety of children and protect them from exposure to further violence. Its functions include: monitoring of cases in strict confidentiality; receipt of complaints about cases of children exposed to risks, abuse or neglect; informing the child's parents and guardian of the observations and measures taken in this regard; inspection and assessment of medical, social and psychological reports concerning such cases; conduct of a clinical interview with the child; and implementation of the necessary procedures for dealing with parents who have harmed children so that they may be rehabilitated and enabled to provide the children with the necessary care so that the children and parents may be integrated into society. A final report is prepared that includes medical, psychological and social reports as well as recommendations concerning children who have been subjected to abuse.

### **Paragraph 22**

We wish to reassert the State's willingness to involve civil society in the development of policies, plans and programmes related to children's rights. The President of the National Society for the Protection of Children participated actively in the drafting of Act No. 21 of 2015 concerning the rights of the child. A family and social counselling team was created in the Supreme Council for Family Affairs in partnership with the National Association for Family Security (Rawasi). The team has been assigned the following tasks:

- Development of an annual plan for organizing family and social counselling lectures and training courses in order to enhance the family's status;
- Building of an institutional partnership in psychological and social family counselling work with civil society institutions and the State;

- Organization by the family counselling team of a meeting with the Middle East and North Africa Regional Office of the United Nations Children's Fund (UNICEF) to discuss issues relating to early childhood and the perpetration of violence against children and juveniles.

The Ministry of Social Affairs and Labour has created a Family Care Committee whose membership includes representatives of a number of governmental and non-governmental bodies. It is tasked with considering research, studies and recommendations concerning issues of family care and care for children placed in homes and institutions run by the competent Department. It also considers periodic reports on care plans and programmes, the conditions of children placed in the Department's institutions and family custody, and expresses its opinion on the reports. It accepts or rejects requests for family custody and decides on the disbursement of financial aid to persons providing family care.

The Public Authority for the Affairs of Persons with Disabilities created a team of Friends of Persons with Disabilities, pursuant to article 68, in order to determine the measures required to prevent all forms of abuse of persons with disabilities or displays of contempt, in accordance with article 10 of the Kuwaiti Constitution, and to vest them powers of judicial control. Articles 49 and 52 of Act No. 8 of 2010 provided for the establishment of the Supreme Council for Persons with Disabilities. Its membership includes two members of public welfare associations, and the Board of Directors includes four members of public welfare associations.

#### **Paragraph 24**

(a) The Public Authority for Industry undertakes periodic fields surveys of industrial businesses that breach environmental standards. A mobile station is tasked with monitoring air pollution and assessing the quality of the air in different locations. There is a laboratory that measures water pollution and analyses samples of industrial and wastewater from industrial areas in order to ensure that they meet the environmental standards approved by the Public Authority for the Environment.

(b) Most industrial establishments located in the West Shuaiba region have undertaken studies to assess the environmental impact of their industrial activities and its impact on public health, including of course child health, through environmental advisory offices accredited by the Public Authority for the Environment, in accordance with the Environmental Protection Act No. 42 of 2014. Residents of all areas in the vicinity of factories enjoy extensive environmental safeguards.

(c) The Environmental Protection Act No. 42 of 2014, which is composed of 9 chapters and 181 articles, has a special section dedicated to integrated environmental strategies. According to the Act, State agencies must develop and modernize their strategies every 5 years, and no strategy may have a duration of less than 20 years.

The Public Authority confirms that there is no pollution in the Shuaiba plant, that the freshwater network is protected from pollution, and that the Ministry of Electricity and Water periodically checks the water quality around the clock by taking random samples to ensure that there are no pollutants affecting the safety of drinking water.

In addition, the Authority's fixed and mobile stations measure air pollutants around the clock in order to ensure the early detection of any contamination and to safeguard the health of citizens and residents.

The Ministry of the Interior established the Environmental Police Department by Decision No. 1129 of 2015 to implement environmental laws and regulations in Kuwait.

(d) The Public Authority for the Environment has confirmed its commitment to comply with these recommendations through its implementation of the Environmental Protection Act No. 42 of 2014, as amended, and of the following implementing regulations:

1. Decision No. 2 of 2015 on the implementing regulations of the above-mentioned Act provides for the establishment of an environmental and social impact assessment system in the State of Kuwait, which constitutes a comprehensive system for assessing the environmental impact of diverse State projects, the development of

guidelines and the requisite procedures, and the introduction of a procedure for expressing an opinion prior to the granting of approval for the implementation of projects. All entities subject to the provisions of the Environmental Protection Act are thus prohibited from implementing any project or from adjusting or extending existing activities unless environmental impact assessment studies are undertaken, in line with the conditions and rules specified in the implementing regulations.

2. Decision No. 2 of 2017 on the implementing regulations sets forth engineering and environmental requirements for establishments in the State of Kuwait. It requires every establishment to comply with all the engineering and environmental conditions applicable in 12 specified sectors with a view to ensuring sound environmental management and environmental monitoring to reduce any negative impact.

### **Paragraph 26**

Article 2 of Act No. 21 of 2015 concerning the rights of the child classifies children according to four age groups: from birth to 4 years of age; children in the 4 to 7 age group, whose complaints are heard and verified; children in the 7 to 15 age groups who express opinions and are heard; children in the 15 to 18 age group who are permitted to work. This is fully in line with the definition in the Convention on the Rights of the Child.

The Personal Status Act No. 51 of 1984, as amended, contains all the rules governing marriage and divorce and the provisions pertaining to personal status. Its provisions are based on the Islamic sharia, which is the primary source of legislation, in accordance with article 2 of the Kuwaiti Constitution and as indicated in the Explanatory Memorandum. Article 26 of the Personal Status Act No. 51 of 1984 stipulates that: "The registration or certification of a marriage contract shall be prohibited if the young woman was under 15 years of age and the young man was under 17 years of age at the time the contract was registered." Article 36 stipulates that: "Compatibility of age between the spouses is a right granted only to the wife."

The marriage rate for persons under 18 years of age is very low compared with the marriage rate for persons over 18 years of age, according to the official statistics of the Ministry of Justice. See annex 8.

### **Paragraph 28**

The children of illegal residents enjoy all the rights enshrined in the Convention. The State provides financial support for the Charitable Fund for the Education of Needy Children, in accordance with Council of Ministers Decision No. 855 of 2003, to cover the costs of tuition. They are guaranteed the same level of education as their Kuwaiti peers.

Since the establishment of the Central Agency, the Government has guaranteed comprehensive treatment services for illegal residents in all governmental health-care centres and hospitals free of charge. The Charitable Fund covers all health-care expenses such as ambulances, surgical procedures, analyses and medicines.

The acquisition of all kinds of civil registration documents is an inalienable right of all persons residing in the territory of the State, in accordance with Act No. 36 of 1969 concerning the registration of births and deaths.

They are provided with ration cards to obtain subsidized food at symbolic prices, including infant milk.

### **Paragraph 30**

Justice and equality are cornerstones of the Kuwaiti Constitution. Curricula are the same for everyone and make no distinction between men and women. The overall goal of education in Kuwait is the comprehensive spiritual, moral, intellectual, social and physical development of students.



All pupils and students from kindergarten to higher education are taught from the same curricula without any discrimination. Study plans are standardized, the examination system is the same at all levels and no gender distinction is made in terms of study periods.

In line with its belief in the role played by girls in society, the State of Kuwait seeks to eliminate all stereotypes conducive to discrimination. The culture of partnership and equality in terms of rights and duties is actually a key component of school textbooks, which have sought to present the roles directly and implicitly (of women and men). The subjects contained in the curricula cover large areas in a virtually equal manner, and literary, cultural, social, economic, scientific and technological roles are reviewed in a coordinated manner in the curricula of Islamic education, the Arabic language, social subjects and other areas.

It has recently been proposed to provide male students with the opportunity to study curricula involving family care and life skills such as home organization, resource management and healthy food.

The situation just described and the practical steps taken by the State to implement its theoretical convictions were confirmed by a report issued by the World Economic Forum in 2015, entitled "Global Gender Gap Report", which showed that Kuwait ranked first in the Arab world in achieving equality between men and women in terms of women's participation in the economy and the labour force, educational attainment, health care and political empowerment.

### **Paragraph 32**

The State's determination to promote children's rights is reflected in article 9 of the Constitution, which stipulates that: "The family is the cornerstone of society. It is based on religion, morality and patriotism. The law shall preserve the integrity of the family, strengthen family ties, and ensure the protection of motherhood and childhood." Article 10 stipulates that: "The State shall ensure the welfare of young people and protect them from exploitation and from moral, physical and spiritual neglect." The Ministry of Justice insists that the interests of the child should be incorporated in all laws concerning children's rights promulgated by the legislature and that modern educational methods should be adopted in their implementation.

The legislature has taken the best interests of the child into account in judicial proceedings concerning parents. When they are sentenced to death, article 59 of the Criminal Code No. 16 of 1960 stipulates that: "If it is proven that a woman sentenced to death is pregnant and if she gives birth to a live foetus, the death sentence shall be commuted to a sentence of life imprisonment."

Article 218 of the Code of Criminal Procedure No. 17 of 1960 stipulates that: "If it is proven that a woman sentenced to death is pregnant and if she gives birth to a live foetus, the death sentence shall be suspended and referred to the court that handed down the death sentence so that it is commuted to a sentence of life imprisonment."

Articles 7 to 29 of the Act concerning the rights of the child stipulate that children shall be provided with integrated health care and they prohibit all conditions that pose a threat to their health and development. Articles 30 to 37 highlight the need to provide them with comprehensive social care.

Articles 65 to 69 of the Act specify a set of measures aimed at ensuring children's cultural development. The State, pursuant to the provisions of article 65, must introduce the necessary plans and programmes to develop their sense of belonging and fidelity to the homeland, their respect for general human rights and freedoms, and their respect for the family, cultural identity and language as well as national values and their implementation.

Article 71 of Act No. 21 of 2015 concerning the rights of the child, which is contained in Chapter VIII on the protection of children from crime, lists legal definitions that include neglect, physical abuse, psychological (emotional) abuse and sexual abuse, and provides for the services of psychologists, social workers and psychiatrists and the establishment of a child protection team.

Article 70 underscores the validity of the provisions of Criminal Code No. 16 of 1960 and Juveniles Act No. 3 of 1983 concerning which no specific text has been promulgated.

Articles 72 to 75 provide for the protection of children from traffic hazards and for the development of firm guarantees of their safety. Article 76 specifies procedures for protecting children from exposure to risks. Article 77 stipulates that child protection centres shall be established in each governorate and shall be subject to the authority of the Supreme Council for Family Affairs. They are tasked, inter alia, with handling complaints concerning cases in which children have been exposed to the risks specified in article 76.

Article 78 authorizes child protection centres to investigate the seriousness of complaints and take steps to eliminate the grounds that led to their submission. They are also required to respect the confidentiality of the data and the identity of the complainant. Article 79 specifies a number measures and procedures that child protection centres are authorized to adopt with a view to guaranteeing the safety of the child. Chapter IX on the criminal prosecution of child abusers contains articles prescribing penalties for violations of and non-compliance with the provisions of the Act.

According to the judicial records for the period under review, there were no cases in which parents were sentenced to death. However, the safeguards set out below are provided for children who may be subjected to harsh conditions in order to ensure that their best interests are taken into account in the context of society's right to punishment and to enforcement of the death penalty:

**Compulsory commutation of the death penalty:** This is required by article 59 of the Criminal Code and is implemented by a ruling of the court that handed down the judgment, pursuant to article 218 of the Code of Criminal Procedure. Article 49 of Act No. 26 of 1962 on the organization of prisons reaffirms this procedure for officials responsible for enforcing judgments.

**The judge is authorized to commute the penalty:** The legislature has granted judges discretionary authority under article 83 of the Criminal Code to adopt a lenient approach in criminal rulings against convicted persons. **A pardon may be granted by the Amir:** His Highness the Amir may, of his own accord, commute a penalty in line with the powers granted to him under article 60 of the Criminal Code and article 217 (a) of the Code of Criminal Procedure by means of Amiri amnesty decrees, in accordance with article 75 of the Constitution.

**The right of an imprisoned mother to provide care for her children:** Article 34 of Act No. 26 of 1962 on the organization of prisons stipulates that: "Infants shall remain with their imprisoned mother until they are two years old. If they do not wish to remain with her or have already reached that age, they shall be handed over to the father or the mother's relatives. Children who have no father or relatives to care for them shall be placed in a children's care home and the mother shall be permitted to see them in accordance with the procedures specified in the implementing regulations." Article 13 of the implementing regulations of the Act stipulates that: "The prison administration shall enable the prisoner, at her request, to see her child under the age of 12 years by bringing him or her to the prison once a week. The meeting shall take place in a location other than the visiting area and it may, with the permission of the prison warden, be held in private. Such visits shall not be prohibited for any reason related to the mother's behaviour in prison, but they may be prohibited on health-related grounds. When the child exceeds the aforementioned age, visits shall take place in accordance with the general conditions governing visits."

The Prosecutor General's Circular No. 3 of 2017, which concerns cases in which children remain with their imprisoned mother until they reach the age of 2 years, requires the new-born baby to be handed over to the detained or imprisoned mother, regardless of whether she gave birth to the infant before or after her detention, unless she does not wish the infant to remain with her in prison. In the latter case, the child must be handed over to the father or the mother's relatives or placed in a childcare home, in accordance with the procedures laid down by law.

**The family court also plays a role:** According to the Family Court Act No. 12 of 2015, the court plays a role if a dispute arises on any ground concerning the capacity of the person exercising custody. The family court judge issues a ruling based on the provisions of article 189 of the Personal Status Act No. 51 of 1984.

**The child protection functions of family nurseries:** Legislative Decree No. 82 of 1977 concerning family care and Act No. 80 of 2015 on the same subject were promulgated in order to enshrine the constitutional principle concerning family and childcare and a proper upbringing. Act No. 15 of 2015 concerning the rights of the child provides for an alternative family system to host children living under difficult conditions.

### Paragraph 34

The Ministry of Education has developed a modern pedagogical and educational environment conducive to an integrated upbringing for students in order to achieve the goals and philosophy of education and to promote children's spiritual, mental, psychological, social and physical development. Measures are taken to convert the cognitive, emotional and kinaesthetic dimensions of education into practical educational components such as curricula, textbooks, teacher's guides and educational activities. This has an impact on students' personality, their awareness of their rights and duties, and their role in expressing their views and participating actively in public life.

The curriculum encourages students to express their opinions freely and enables them to think critically while respecting the views of others. It also builds their capacity to take decisions in their daily lives at school, in the family and in the surrounding community.

For example, students can participate in school and scouting activities, choose a scientific or literary training course, and organize and make proposals for educational and sports events. They can participate in the student council and elect its members in an effective manner that prepares them for their future participation in society. The Ministry of Education takes vigorous action to implement modern educational practices with a view to familiarizing students with democracy and human rights and converting effective practices learned in school into practical reality through clear and targeted directives, such as participating in special youth conferences, and writing recommendations and implementing them in student parliaments, which enables students to participate seriously in reviewing their ideas and opinions before a legislative authority in society.

### Paragraph 36

(a) The Kuwaiti Nationality Act promulgated by Legislative Decree No. 15 of 1959 adopts the principle applied in the majority of such laws throughout the world, namely the granting of nationality on the basis of *jus sanguinis* in the light of the father's nationality. Accordingly, article 2 stipulates that: "Any person born within or outside Kuwait to a Kuwaiti father is a Kuwaiti."

The Nationality Act grants Kuwaiti nationality to the children of Kuwaiti women on humanitarian grounds under specific conditions. For example, nationality is granted to the children of Kuwaiti women meeting those conditions, without any time limit being set, in accordance with article 3 of the Kuwaiti Nationality Act, which stipulates that: "Anyone born within or outside Kuwait to a Kuwaiti mother and a father who is unknown or whose paternity has not been legally established shall be a Kuwaiti."

In accordance with article 5 (2) of Act No. 100 of 1980 amending the Kuwaiti Nationality of Act No. 15 of 1959, Kuwaiti nationality is granted to the children of Kuwaiti women who have been irrevocably divorced or whose husbands are deceased or prisoners of war. Annex 9 contains figures for the number of children of Kuwaiti women who have been granted Kuwaiti nationality.

(b) The provisions governing birth registration in the State of Kuwait are contained in Chapter II on child health care of Act No. 21 of 2015 on the rights of the child, specifically in section 1, articles 7 to 17, as well as in the implementing regulations.

Article 16 of Act No. 21 of 2015 concerning the rights of the child requires the Ministry of Social Affairs to attribute a triple name to a child of unknown parentage and record the data in its birth files. The health authority sends a copy of the documents to the Ministry of Health so that the child's data may be recorded in the birth register. Annex 10 contains information on documents issued in 2017 concerning children in family nurseries.

(c) Many international human rights organizations persistently confuse two separate issues, statelessness and illegal residency, notwithstanding the major difference between them. According to the 1954 Convention relating to the Status of Stateless Persons, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law. The situation is different for the illegal residents. They entered Kuwait illegally and concealed the documents indicating their original nationality with a view to settling in Kuwait, enjoying its services and benefits, and obtaining Kuwaiti nationality. A search of the records of various State agencies, as well as evidence of the nationalities and origins of many of the persons concerned, revealed that approximately 91,000 persons decided to adjust their status, revealing their nationality or leaving for their country of origin, during the period since the Iraqi invasion in 1991. Accordingly, they cannot be regarded as stateless persons, and the fact that the State of Kuwait has not acceded to the instruments in question has no impact on their situation, since the provisions are not applicable to the persons concerned.

### **Paragraph 38**

Freedom of belief is absolute, and the State guarantees the freedom to practise religious rites, in accordance with article 35 of the Constitution of the State of Kuwait. School curricula condemn intolerance and hatred and promote tolerance and the right to live in peace. The State of Kuwait allows religious minorities to establish private schools and no groups are prohibited from enrolling in them. Furthermore, students who do not belong to the Islamic religion are not required to participate in Islamic studies in schools. Annex 11 contains information regarding the number of foreign schools.

The State established the High Committee for the Promotion of Moderation in the Ministry of Awqaf and Islamic Affairs to disseminate the concepts of moderation, tolerance and acceptance of other people's views, and to reject violence and extremist attitudes directed against society, especially children, in order to comply, as follows, with the provisions of the Convention:

- Organization of awareness-raising lectures on the concept of moderation in schools during the academic year and in youth centres during the summer period in order to disseminate values of good citizenship and promote tolerance in the community;
- Convening of meetings and open dialogue events with students and young people with a view to enhancing their intellectual, practical, social and cultural qualifications, and encouraging progress in terms of construction and development.

### **Paragraph 40**

Article 3 (c) of the Act concerning the rights of the child guarantees the right of children who can form their own views to have access to information that assists them in forming and expressing their views. It states that their views should be heard on all matters concerning them, including in judicial and administrative procedures, in accordance with the law. Education focuses on assisting students in developing their skills and capacities in addition to acquiring the requisite knowledge, information and concepts. Student councils at all levels of education are assisted in developing students' skills and their ability to express their views on matters concerning them, and in exercising their right to freedom of expression. As mentioned in the response to paragraph 34, children are entitled to join sports clubs, youth centres, evening clubs and other circles.

### **Paragraph 42**

(a) The action taken by the State in this regard includes encouraging and supporting the active participation of governmental and non-governmental organizations in

local and foreign activities and events aimed at raising awareness of children's rights, for example:

- The Ministry of Health organized the fourth Arab Regional Conference on Child Protection against Violence in April 2016, and has participated in the following annual meetings organized by Kuwait University: "Safety for children", in May 2014; "Towards a better future for children" in 2015; and "Towards understanding, treatment and prevention on behalf of children and women" in 2017. The Ministry's Child Protection Office has organized several awareness-raising social mobilization campaigns and training courses to change the general attitude to corporal punishment and to promote positive and non-violent forms of discipline by a national team trained in child protection.
- The Ministry of the Interior participated in four workshops at the fourth Arab Regional Conference on Child Protection against Violence in April 2016, and organized the first Regional Conference of Kuwait to Protect Children from Social Media Risks in March 2017. The Ministry of Health participated in four workshops concerning child protection. Confirming the role of State institutions in promoting community participation, the Ministry of the Interior launched the National Productive Programme in April 2017 in cooperation with other ministries and civil society institutions with a view to confronting and rejecting violence through a number of awareness-raising campaigns, for example: "We are all partners in our nation's security"; "We advance through dialogue and tolerance"; and "My school without violence".

It also hosted the fourth annual forum in 2018 under the slogan "Intellectual security in Gulf society: the social and media perspective", in cooperation with the Social Science Faculty of Kuwait University.

(b) The regulations of the Ministry of Education stipulate that the infliction of all forms of punishment is unlawful and that corporal or verbal punishment is prohibited. Sanctions should be based on justice and equality rather than suspicion, and should be designed to reform and provide treatment for children in a sound educational context. Guidance pamphlets are issued to school administrations on the need to abide by the Ministry's regulations, particularly school statutes, and to ensure that all school staff are prohibited from inflicting any kind of punishment and are trained to replace it with sound educational practices that build children's confidence and self-reliance. The Ministry has taken the following action to address violence in schools, in coordination with diverse community institutions:

- Preparation of preventive awareness-raising programmes within and outside schools;
- Community programmes aimed at forging links between teachers and students and the surrounding community;
- Provision of opportunities for students to pursue their hobbies, inclinations and interests, and to exercise their capacities;
- Raising students' awareness of laws aimed at deterring offensive conduct;
- Issuance of scientific and educational publications and booklets concerning a sound social upbringing;
- Organization of educational events, such as a Conference on Safe Schools in December 2017, at which professional models and programmes were presented as well as recommendations concerning student safety in schools.

(c) Article 6 of Act No. 21 of 2015 on the rights of the child stipulates that, while the rights and duties of child caregivers and their right to impose simple and non-harmful discipline should be recognized, children may not be deliberately subjected to any harmful physical, psychological or emotional abuse, or to any harmful or unlawful practices.

Articles 80 to 94 of Chapter IX of the above-mentioned Act, entitled “Criminal prosecution of child abusers”, prescribe the penalties and specify the criminal provisions applicable to persons who expose or subject children to any form of psychological or physical abuse.

The Ministry of Social Affairs created a team to publish and raise awareness of the Act concerning the rights of the child. The team has been assigned the following tasks:

- Organization of seminars in the Ministry’s community development centres and in schools with a view to informing people of the Act and the obligations it imposes, describing the country’s achievements in this regard, and indicating the proposals required to implement the Act more effectively and enhance the image of the State of Kuwait.
- Establishment of a child and family psychological counselling office.

The State of Kuwait hosted an International Conference in November 2017 on the suffering of Palestinian children due to violations by Israel, the occupying power, of the Convention on the Rights of the Child. It was attended by representatives of many States, Kuwaiti governmental bodies, international organizations, public interest associations and charitable societies. The Conference discussed the following issues:

1. The situation of Palestinian children under international law and the Convention on the Rights of the Child;
2. The role of the international community and international organizations in promoting and respecting the rights of the Palestinian child;
3. Children of Palestinian prisoners and detainees in Israeli occupation prisons; studies of the procedures required to provide legal protection for Palestinian children;
4. The challenges facing Palestinian society in order to achieve security and peace.

A statement was issued by the State of Kuwait on the protection and promotion of the rights of the Palestinian child in the context of Israeli violations (the statement is attached).

Workshops, consultations and numerous visits were organized by the Ministry and UNICEF in order to develop a joint action plan for the State of Kuwait and UNICEF covering the period from 2019 to 2023 based on the following core components:

- Early childhood development focusing on 1,000 days;
- Child protection, focusing on violence against children;
- Juvenile justice;
- Promotion of the rights of the child;
- Publication of data and guidelines concerning children.

The document containing the subregional programme for the Gulf region was submitted to the Executive Board of UNICEF for discussion and approval. The programme includes the following Gulf countries: Kuwait, Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain and the State of Qatar.

Numerous seminars and awareness-raising sessions were held by the Family Guidance Team of the Supreme Council for Family Affairs, for example:

Learning Difficulties, held on 17 April 2018;

Protection of Children from Harassment, held on 16 April 2017;

Interacting with children, held on 23 and 24 October 2017.

#### Paragraph 44

(a) The Child Protection Office undertook a study to assess the readiness of the State of Kuwait to implement large-scale programmes aimed at preventing child ill-treatment. The purpose of the research was to assess the extent of national readiness to implement programmes to prevent child ill-treatment so that child protection practitioners could enhance such readiness, address extreme situations and implement evidence-based programmes, in proportion to the scale of the problem, in order to prevent child abuse. Data were collected through in-depth personal interviews based on a standardized questionnaire, the child maltreatment prevention questionnaire approved by the World Health Organization (WHO). The questionnaire comprises the following 10 dimensions aimed at assessing participants' ability to assess the scale of the problem: attitudes towards child maltreatment prevention; knowledge of child maltreatment prevention; scientific data on child maltreatment prevention; current programme implementation and evaluation; legislation; assessment of the existing will to address the problem of child maltreatment; institutional links and joint operations; material resources; human and technical resources; and informal social resources. According to the report, overall readiness is weak. The results recorded for the 10 dimensions from the main informants was 39.1 per cent, which is less than the average rate of 46.32 per cent recorded for Gulf Cooperation Council countries. The lowest level was recorded for more than one dimension, but Kuwait recorded the highest level among Gulf countries for the tenth dimension and ranked fifth in terms of its willingness to implement the programme to prevent child maltreatment.

The Ministry of Health monitored cases of child maltreatment in terms of gender and age group during the period from 2010 to 2017.

#### Number of cases of maltreatment of children by governorate (2010-2017)

	2010	2011	2012	2013	2014	2015	2016	2017
Hawalli	1	2	2	0	3	25	79	133
Al-Asimah	5	3	12	10	12	16	79	25
Farwaniya	11	11	12	7	8	38	53	36
Ahmadi	19	7	8	5	6	14	45	83
Jahra	9	8	7	4	8	12	36	114
Ibn Sina					3	8	29	32
<b>Total</b>	<b>45</b>	<b>31</b>	<b>39</b>	<b>26</b>	<b>37</b>	<b>105</b>	<b>292</b>	<b>469</b>

The Research and Ethics Committee of the Ministry of Health approved a study on children's negative experiences.

The questionnaire used in the survey was designed to collect information from adults in public facilities in the State of Kuwait concerning any negative experiences during the first 18 years of their lives, the relationship of such experiences to their general state of health and any chronic illnesses from which they suffer.

The Department of Forensic Medicine is undertaking several studies on cases of physical and sexual abuse of children and on deaths resulting from abuse and neglect.

(b) The complaint mechanism of the Ministry of the Interior is the round-the-clock hotline 112, which receives complaints and provides support and assistance. Complaints may also be filed through designated regional police stations.

Cases may be reported directly to the Community Police Department or through the Department's hotline (94000435–94000463). The case is discussed and social research is conducted. If it is found that a child has been subjected to violence, the case is referred to the child protection teams.

The High National Committee in the Ministry of Health has put in place mechanisms, measures and procedures for reporting cases of child abuse or neglect. It has created a mechanism in which all child support stakeholders participate through child protection teams in each governorate and in government hospitals. Calls and notifications are received through the child support hotline 147 and are referred to the child protection teams, according to the health-care region responsible for the child. The team discusses the case, develops an appropriate mechanism before any action is taken and assesses all aspects of the situation. Psychological support is provided to all abused children and a comprehensive treatment plan is developed for the rehabilitation of children and their caregivers, in cooperation with the competent authorities such as the Centre for Mental Health and the Social Development Office. If it is found that a child's environment may prove hazardous, the child is kept in hospital if his or her health condition so requires. Alternatively, the child may be placed in one of the nurseries or care homes of the Ministry of Social Affairs and Labour until the circumstances of the case have been ascertained. As some cases may need to be considered by the investigation authorities, they are referred to the Child Protection Division of the Juvenile Protection Department. An officer is sent to the hospital or the location of the incident to undertake research and investigations and to collect evidence concerning the incident with a view to identifying the perpetrator. The officer then communicates with the authorities so that the case can be referred to the competent authority, that is to say the Public Prosecution Service or the General Directorate of Investigations (investigations of cases involving minor offences or investigations of cases involving serious offences), so that the legal proceedings can be completed and the case brought to court. A forensic physician may, if necessary, be asked to assess the case.

(c) The General Directorate of Investigations of the Ministry of the Interior (Minor Offences Department, rights of the child) receives reports of ill-treatment of children, such as abuse and neglect. It records and investigates the cases and submits the records to the Department of Forensic Medicine so that it may conduct and sign a medical examination documenting the injuries, specifying their cause and severity, and indicating whether or not there has been a sexual assault. In the event of death, it is necessary to ascertain the cause of death and whether it was due to abuse or neglect.

(d) Article 16 of the Family Court Act No. 12 of 2015 provides for the establishment of one or more centres in each governorate to receive and provide care for children. The Ministry of Justice provides for the preparation and equipment of the centres with all necessary amenities to create an environment of family sympathy and harmony, and a link to relatives. They provide children and their relatives with safety, tranquillity and serenity, and access to an appropriate number of specialists in family affairs. The Minister of Justice issues a decision regulating the affairs of the centres and their operating procedures, based on a proposal by the president of the court of first instance in coordination with the Minister of Social Affairs and Labour. Psychological support is provided to all child victims of abuse and a comprehensive treatment plan is developed to rehabilitate the children and their caregivers, in cooperation with the competent authorities, such as the Centre for Mental Health and the Social Development Office.

Article 3 of the Act concerning the rights of the child prohibits violence against children. It stipulates that: "The child shall have the right to life, survival and growth in a family that is cohesive and united in solidarity, and the right to diverse preventive measures and to protection from all forms of violence or harm, from physical, moral or sexual abuse or neglect, and from other forms of abuse and exploitation."

Article 76, in Chapter VIII of the Act, specifies cases in which children may be at risk of various forms of physical, psychological or sexual abuse or neglect, and situations that may pose a threat to the safety of their upbringing.

Article 77 of the Act provides for the establishment of child protection centres in each governorate of the State of Kuwait. They are tasked with receiving private complaints and communications concerning any violation of children's rights and cases of exploitation or abuse. The Child Protection Office at the Ministry of Health implements this article by investigating the seriousness of the complaints and taking steps to eliminate the grounds that led to their submission. It interviews children, their caregivers and relatives or others in order to investigate the complaint. The Office is entitled to visit and periodically monitor



the child's place of residence, or it may adopt precautionary measures or refer the child to the competent authorities if his or her situation so requires. If children are handed over to their guardians or caretakers, the latter must undertake not to expose them to risk. In the event that a child is repeatedly abused, or if the child protection centre is unable to handle the complaint or the incident constitutes a crime, the centre submits a report to the Public Prosecution Service or recommends that the necessary legal action be taken, bearing in mind the confidentiality of the information and the name of the complainant.

Articles 80 to 94, in Chapter IX of the Act, prescribe the penalties and specify the criminal provisions applicable to persons who abuse or commit any offence against children.

#### **Paragraph 46**

There has been a significant rise in the age of marriage due to the improvement in living standards. The Ministry of Education has also played an effective role in terms of educational curricula, and parents' councils in schools have also played a major role raising awareness of the issue among parents. In addition, maternity clinics and health-care information centres affiliated with the Ministry of Health provide information materials and organize lectures, especially for secondary school students.

The unequal penalties prescribed for offenders in article 153 of the Criminal Code No. 16 of 1960 stem from the fact that mitigating circumstances may be granted to a man but not to a woman. It should be underscored that the claim for penalty mitigation is not unconditional. The following three conditions must be met alongside the pretext invoked for culpable homicide:

#### **Condition No. 1: Status of the offender:**

The homicide must be perpetrated by the husband of the adulteress. However, under Kuwaiti law the scope of this mitigating factor extends to include fathers, brothers and sons, since women who commit adultery insult and bring dishonour upon all of them.

#### **Condition No. 2: The act of adultery by the adulteress must be a surprise:**

The husband, father, brother or son must be surprised by the adulterous act. In other words, the actual scene that he witnesses must conflict with his previously held belief with regard to the woman concerned (his wife, mother, sister or daughter). The anger and emotion evoked by such a scene are considered mitigating factors in such cases. However, a woman caught in the act of adultery must be seen by her husband, father, brother or son in circumstances that leave no room for reasonable doubt that she was committing or was about to commit adultery. It is not sufficient for another person, no matter how reliable their testimony, to have witnessed the act and to have informed the woman's male relative. Judges must use their discretion in order to decide whether an adulteress was caught in the act by a male relative.

**Condition No. 3:** The Code stipulates that the homicide must be perpetrated immediately, that is to say at the same time as the wife is caught in the act of adultery. It is this simultaneity which provides the grounds for mitigation. The act of homicide at that moment is a reaction to the rage that overcame the husband, father, brother or son in the heat of the moment and it is they alone who may take advantage of this plea for mitigation. Any accomplice (who is not one of the aforementioned next of kin) would be liable for intentional homicide.

In light of the foregoing, the Kuwaiti legislature decided not to exempt the perpetrators of such crimes from punishment but to prescribe a penalty of imprisonment for a maximum of three years and a maximum fine of KD 3,000, which is equivalent to \$ 9,971. Given the legislature's concern for the Kuwaiti family, article 197 of the Criminal Code stipulates that the husband of an adulterous wife is entitled to halt the institution of criminal proceedings against a spouse who has committed adultery on condition that the conjugal relationship is resumed as before. The husband is also entitled to request that the legal proceedings in such a case be discontinued at any stage or that a final sentence be suspended.

**Paragraph 48**

It should be underscored that article 182 of the Criminal Code does not grant impunity to perpetrators. The basic aim of the article was to prevent perpetrators from exercising their power over a minor female by kidnapping her and forcibly abducting her from her place of residence with her caretakers to a location where they detain the minor and marry her without her guardian's knowledge.

The legal guardian in such cases must assess the victim's interest and decide either to request that the perpetrator should be prosecuted pursuant to article 109 (3) of the Code of Criminal Procedure, or to request that he be spared prosecution in line with article 182 of the Criminal Code. However, this does not mean that legal guardians are entitled to act arbitrarily in cases involving the crime of kidnapping of underage females, inasmuch as discretionary responsibility for assessing the grounds for failing to report, halting the prosecution or requesting non-penalization lies with the Public Prosecution Service, in line with article 243 of the Code of Criminal Procedure. Moreover, the marriage of underage victims is prohibited by the provisions of Personal Status Act No. 51 of 1984. The Court of Cassation has ruled that a waiver of the offence of female kidnapping does not preclude the prescription of penalties for other offences such as rape or attempted rape or sexual assault with coercion (Criminal Appeal No. 114 of 1987 at the session of 29 January 1979, and Appeal No. 151 of 1978 at the session of 22 January 1979). Relevant statistics are contained in annex 12.

With regard to the recommendation that sexual abuse should be defined and criminalized as sexual intercourse without consent, harsh penalties are prescribed in the Kuwaiti Criminal Code for all forms of sexual abuse of children, and the victim's young age is deemed to constitute an aggravating circumstance. All reports of such offences are immediately investigated and if the reports are confirmed, criminal proceedings are instituted against the perpetrator.

Article 183 of the Criminal Code criminalizes the abduction of children. It stipulates that: "Any person who abducts a new-born child, conceals or replaces the child, or falsely attributes him or her to a person other than his or her father or mother shall be liable to a term of imprisonment not exceeding 15 years and not less than 5 years." Articles 178 to 180 of Criminal Code No. 16 of 1960 criminalizes abduction, with or without force, threats or subterfuge. Deterrent and more severe penalties, including life imprisonment, are prescribed if the abducted person is under 18 years of age or if the purpose of the abduction is to injure or sexually abuse the victim, to compel the abductee to engage in prostitution, or to extort something from the abductee or another person. Articles 186 to 194 criminalize sexual assault and article 187 stipulates that the penalty shall be life imprisonment if the female victim is under 15 years of age.

Types of child abuse, including sexual abuse, are defined in section 1, article 70, of Chapter VIII of Act No. 21 of 2015 on the rights of the child concerning the protection of children from crime.

All cases of child sexual abuse are prosecuted as soon as they are reported. All necessary measures are taken by the child protection team and the case is referred with comprehensive medical, psychological and social reports to the Child Protection Division of the Juvenile Protection Department. The case is then referred for registration to the Public Prosecution Service. Legal proceedings are instituted against the perpetrators and penalties commensurate with the gravity of the crime are imposed.

**Paragraph 49**

Hotline 112 receives complaints around the clock and provides support and assistance through contacts and coordination with the competent authorities. The Media Security Department of the Ministry of the Interior plays an awareness-raising role through television and radio programmes as well as its various social media accounts, drawing attention to the hotline for the submission of reports.

The High Committee for the Protection of Children established the child support hotline 147, which enables children and their caregivers to report cases of child abuse and

provides them with advice. Action is taken to implement all rights of the child and to address all problems in the manner prescribed by the regulations governing children's rights, including the United Nations Convention on the Rights of the Child. The aim is to enable children and their families to address the problems and to find solutions and alternatives in consultation with counsellors. The child support hotline operates 24 hours a day, seven days a week, and a specialized team has been created for the purpose. An electronic programme was designed to facilitate the prompt referral of communications and cases to the child protection teams. In addition, publicity campaigns were organized on the child support hotline, the reporting mechanism and the procedures followed when communications are received. Annex 13 contains statistics on the child support hotline.

#### **Paragraph 50**

(a) The High National Committee in the Ministry of Health developed a comprehensive national strategic plan to prevent all forms of violence against children. The plan is designed to promote preventive programmes to combat violence, which are currently implemented under the Kuwait National Child Protection Programme that has already been mentioned in this report.

(b) The Child Protection Office at the Ministry of Health assessed the State's current preparedness to implement large-scale preventive programmes through research conducted at the level of the Gulf Cooperation Council. It submitted a number of proposals to the Supreme Council for Family Affairs concerning the implementation of internationally approved preventive programmes based on scientific evidence such as positive parenting and home visit programmes. It also proposed the adoption of the package of seven strategies (INSPIRE) developed by WHO in cooperation with the United States Centers for Disease Control and Prevention, the Global Partnership to End Violence against Children, the Pan American Health Organization, the United States President's Emergency Plan for AIDS Relief, the Together for Girls Initiative, the United Nations Office on Drugs and Crime (UNODC), the United States Agency for International Development and the World Bank. It has long-standing experience in the area of mobilizing a coherent, data-driven approach to the prevention of violence against children.

(c) Girls' perceptions, experiences and interests may clearly differ from those of boys and men, which stem from a different perspective and from their social status and gender roles. Gender-sensitive services are provided to children who have been abused. They necessarily adopt a rights-based approach with a view to responding to victims' needs at all times and at all stages, and ensuring respect for their dignity as an inherent right. The Child Protection Office adopts a gender-sensitive approach in implementing the procedures for managing cases of child abuse and neglect. Such procedures include reporting of cases of child abuse, assessment, immediate interventions and response, medical and psychological treatment, action to rescue child victims and preventive care. The children are treated on the basis of gender equality and without racial discrimination. Article 3 of Act No. 21 of 2015 on the rights of the child also guarantees the protection of children against all forms of discrimination. According to the statistics for 2017 on cases of ill-treatment and neglect of children, 166 cases concerned non-Kuwaitis, 303 cases concerned Kuwaitis, 228 cases concerned males and 231 cases concerned females.

(d) The State of Kuwait undertook to accept the recommendations that were made during the review of its first national report under the universal periodic review mechanism of the Human Rights Council in 2010 by extending an open invitation to the special procedure mandate-holders and special rapporteurs of the Human Rights Council to visit the country and assess its progress and achievements in implementing its rights-related obligations regarding these rights. The following is a review of the action taken in this regard:

- The State of Kuwait hosted the Special Rapporteur on trafficking in persons, especially women and children, Ms. Maria Grazia, from 4 to 8 September 2016. She commended the measures taken by Kuwait in that regard, including, in particular, Act No. 91 of 2013 on combating trafficking in persons and smuggling of migrants. She also commended the labour legislation to protect the rights of workers, such as migrant domestic workers, the establishment of standardized labour contracts, and

the conclusion of bilateral memoranda of understanding with many countries to facilitate the migration and employment of migrant workers and to provide them with the requisite legal means of protection.

- The State of Kuwait hosted the Working Group of the Human Rights Council on the issue of discrimination against women in law and practice from 6 to 15 December 2016. The Working Group held meetings with a large number of governmental agencies, authorities and ministries and with civil society associations, with a view to understanding and studying the legislation in force and learning about the achievements of Kuwait in terms of the promotion of human rights, especially women's rights.
- The United Nations High Commissioner for Human Rights, Prince Zeid Ra'ad al-Husseini, and his accompanying delegation visited Kuwait on 7 and 8 February 2017. He commended the State's action in many areas relating to women, children and immigrants, and confirmed his full confidence in the leadership of His Highness the Amir of Kuwait, may God protect him, and in the further development of the country's action in support of human rights, both locally and internationally.
- Kuwait cooperated with UNICEF in organizing a consultative seminar on juveniles, violence and early childhood on 14 January 2018 with a view to promoting community partnership between the State and civil society and benefiting from international cooperation in all fields.
- The Ministry of Foreign Affairs held an awareness-raising seminar on "The Child Rights Act" in the presence of the Vice-Chair of the United Nations Committee on the Rights of the Child and the National Society for the Protection of Children in December 2016.
- The State of Kuwait will host the Special Rapporteur on the rights of persons with disabilities in November 2018.
- The State of Kuwait will host the Special Rapporteur on the right to housing in early 2019 and the Special Rapporteur on contemporary forms of slavery in late 2019.

## Paragraph 52

(a) and (b) The Personal Status Act No. 52 of 1984, as amended, regulates all aspects of marriage, divorce, alimony, custody, inheritance, testaments and other personal status issues. With regard to women's right to divorce or annulment of the marriage contract, articles 126 to 138 of the Act entitle women to request a separation on grounds of injury or absence. A woman can have recourse to the courts in order to seek a divorce from her husband if it is impossible for the two to cohabit. She also has the right to seek a divorce if her husband fails to maintain her, has no visible assets and has not been proved insolvent, in which case the judge grants the husband a period of time to pay maintenance. If he fails to do so, his wife may seek a divorce. Women are also entitled to request a divorce under Islamic sharia. Article 111 of the Personal Status Act concerning divorce stipulates that:

"Khul' is a case in which the husband is divorced at the wife's instance, with his consent to the *khul'*, divorce, dissolution or other similar term.

The *khul'* procedure shall be instituted only by the spouses or the person who represents them."

Articles 189 and 199 regulate the woman's right to custody of her children. Pursuant to article 189, the mother is granted custody, followed by her mother. If she is unable to assume custody, then the mother's maternal aunt is granted custody, followed by the mother's paternal aunt, the father's grandmother, the father's paternal aunt, the father's maternal aunt and lastly a cousin, with the mother's side taking precedence over the father's side.

All the provisions referred to above reflect the Islamic sharia, which is the primary source of legislation, in accordance with article 2 of the Constitution of the State of Kuwait,

which stipulates that: “The religion of the State is Islam, and the Islamic sharia shall be a primary source of legislation.”

(c) According to the Islamic sharia, the relationship between a woman and a man should be conducted within wedlock in order to safeguard the rights of children and wives. When children are born illegally, the parents are not forced to abandon the children. However, if a child is born as a result of an unlawful relationship (incest), the mother waives custody and refers the child to a nursing home to ensure that he or she receives the best possible care. The nursing home also reserves the right to care for the child based on the waiver. In the event that the child is the result of an unlawful relationship between Kuwaiti parents, he or she is sent to a nursing home only if the parents waive their right to care for the child. They enjoy priority in terms of custody if one of them decides to care for the child, even if he or she is currently being looked after by another family.

The right to life is a fundamental right enshrined in the international treaties ratified by the State of Kuwait and in domestic legislation. As it is a right that is guaranteed from birth until death, it gives rise to a large number of rights and obligations. Article 3 of Decree No. 15 of 1959 on the Kuwaiti Nationality Act stipulates that:

Any person who is born in or outside Kuwait to a Kuwaiti mother and whose father is unknown or whose paternity has not been legally established is a Kuwaiti.

Any person who is born in Kuwait to unknown parents shall have Kuwaiti nationality.

The Ministry of Social Affairs and Labour is responsible for sheltering and caring for children of unknown parents, children whose father is unknown and whose mother has Kuwaiti nationality, and children in other special circumstances. It meets their basic needs and provides medical and rehabilitation services, psychological treatment, social and educational guidance, and protection against delinquency, in accordance with article 12 of Act No. 80 of 2015 on family care. Article 13 of the Act stipulates that: “The Ministry may provide temporary care for children of an unknown father and a non-Kuwaiti mother pending the determination of their legal status, in coordination with the competent authorities. The Minister shall specify the conditions and regulations governing such cases.” Care homes are responsible for looking after children from broken families, protecting them from delinquency, and enabling them to live a safe life.

Article 3 of Act No. 21 of 2015 guarantees children’s right to life, their right to protection from all forms of violence or harm, and from physical, moral or sexual abuse or neglect, their right to a family that is cohesive and united in solidarity, and their right to the enjoyment of diverse preventive measures. All the aforementioned provisions are in line with the Islamic sharia, which is the primary source of legislation, in accordance with article 2 of the Constitution of the State of Kuwait, which stipulates that: “The religion of the State is Islam, and the Islamic sharia shall be a primary source of legislation.” The Explanatory Memorandum on the Constitution of the State of Kuwait points out that article 2 does not merely stipulate that “The religion of the State is Islam.” It also stipulates that the Islamic sharia, as codified by Islamic jurisprudence, is a primary source of legislation. Accordingly, recognition of the Islamic sharia as the primary source does not preclude the introduction of legislation from other sources in matters that have not been codified by Islamic jurisprudence, or the development of fresh provisions as new needs naturally arise over the course of time. For example, the text allows for the enactment of new criminal laws, notwithstanding the limits that exist in the Islamic sharia, and that would not have been possible if the words “the Islamic sharia shall be the primary source of legislation” were interpreted to mean that it was not possible to draw on any other source on issues addressed by Islamic sharia. In fact, that would have caused considerable difficulties for legislators, since practical necessity gradually led them to develop legal provisions in areas such as company law, insurance, banking, loans, borders, etc.

Kuwaiti legislators must therefore abide by the provisions of the Islamic sharia, but they can introduce legislation from other sources in matters that have not been codified by Islamic jurisprudence.

### Paragraph 54

Act No. 80 of 2015 on family care guarantees many rights for children who are deprived of such care, such as monthly material rights and the right to residential care through the payment of a monthly rent for their place of residence if they are over 21 years of age until they acquire the right to residential care. The Act also provides for the establishment of a Family Care Committee whose membership includes representatives of official State institutions and civil society associations operating in the area of family and child support. It is tasked with addressing issues relating to persons who are deprived of social welfare, such as accepting or rejecting requests for foster care, reviewing research and plans submitted on behalf of such groups, and ruling on requests for the disbursement of social assistance.

Pursuant to article 16 of the implementing regulations of the Act on the rights of the child, the Social Welfare Division of the Ministry of Social Affairs and Labour provides support for the social care homes run by the Department of Family Care so that they can provide psychological, social, religious and educational treatment and counselling services for foster families until the children reach the age of 21 years.

The foster family is required to inform the Department of Family Care about any change that occurs in the family's social conditions or place of residence, and to provide comprehensive information about any psychological, social or educational changes experienced by the child.

The foster family is required to present a certificate of good conduct and to certify that none of its members has been convicted of honour crimes, breaches of trust or drug-related offences.

The foster family is required to attend training courses and lectures on social upbringing and sound child-rearing methods prior to fosterage.

The Ministry implements article 16 of the Act on the rights of the child concerning the attribution of a triple name to children of unknown parentage through the Department of Family Care, as well as article 5 of the Act, which entitles every child to a proper name. It is not permissible to attribute a name that has a degrading meaning or causes the child embarrassment among his or her peers.

Approximately 118 activities and events were organized on their behalf during the period from January to June 2017. Annex 14 contains data concerning children of unknown parentage and related activities.

In light of the Ministry's interest in the services provided to social care recipients, the International Organization for Standardization (ISO) has been requested for assistance in establishing technical and scientific standards to assess the quality of services.

### Paragraph 55

(a) According to article 2 of Act No. 8 of 2010, which specifies the scope of application of the Act, it is applicable to non-Kuwaiti children in the areas of health care, education and employment rights. Some of its provisions may also be applicable to non-Kuwaiti persons with disabilities following the approval of the Supreme Council. Article 3 treats non-Kuwaiti persons with disabilities whose mother is a Kuwaiti as Kuwaitis. The beneficiaries are as follows:

- 490 non-Kuwaiti persons with disabilities whose mother is a Kuwaiti;
- 120 non-Kuwaiti persons with disabilities whose mother is a Kuwaiti and who are treated as Kuwaitis pursuant to a decision by the Minister of the Interior.

(b) With a view to achieving the legislature's goal of integrating persons with disabilities into society, the Public Authority for the Affairs of Persons with Disabilities has provided for the enrolment of children with disabilities in more than 38 schools. However, some private schools confine the enrolment to children with minor disabilities. The Authority provided educational support during the academic year 2017/18 for 96 schools,

not all of which are subject to its control, as well as for nurseries and public welfare associations. A total of 8,141 students benefited from its support.

(c) The Public Authority for the Affairs of Persons with Disabilities has established a committee that specializes in interviewing teaching staff to ensure that they are adequately trained to guarantee the right of children with disabilities to high-quality education by qualified specialists. The Ministry of Education provides training courses for teachers in government schools so that they can identify cases of learning difficulties and slow learning and address them according to the students' needs, in accordance with article 10 of Act No. 8 of 2010.

(d) The Authority has taken vigorous action to eliminate obstacles and barriers to indoor and outdoor facilities. The Building Code has been finalized and an introductory booklet has been issued on its content. Institutions and buildings are required to comply with the regulations laid down in the Code, in cooperation with the United Nations Development Programme (UNDP) and government agencies under the project entitled "Achieving the Kuwait 2035 Vision on Behalf of Persons with Disabilities". Based on a review of the conditions and specifications for facilitating the movement of people with special needs within and outside all buildings throughout Kuwait, the comprehensive Kuwaiti Code was developed with a view to setting the requisite engineering standards for the design and formation of an accessible environment that is suitable for all persons, regardless of their age, size, ability or disability. The project promotes the removal of barriers that prevent the integration of persons with disabilities into social, economic and educational life. The implementing regulations of the Code are being reviewed in cooperation with the Municipal Council and government bodies, and a plan aimed at ensuring compliance with the Code in government buildings and all public and private facilities is currently being implemented.

(e) The Public Authority for the Affairs of Persons with Disabilities has conducted a number of awareness-raising campaigns on Act No. 8 of 2018 and the rights that it guarantees for persons with disabilities in society. A disability prevention and reduction project has also been implemented in cooperation with the International Human Resources Development Corporation (IHRDC) with a view to reducing the marginalization and negligence of community members with disability and alerting society to the importance of integrating persons with disabilities into public life. In addition, awareness campaigns have been organized in the online and printed press, and 32 television interviews have been conducted to highlight the rights of persons with disabilities and the importance of their role in society.

#### **Paragraph 56**

(a) See the reply to paragraph 55 (a).

(b) The State guarantees education for all without exception. It provides facilities for all segments of society and has enacted rules, regulations and laws that require parents to enrol their children in one of the schools registered with the Ministry of Education. Article 9 of Act No. 8 of 2010 stipulates that: "The Government shall provide educational services and teaching aids for persons with disabilities, as well as for slow learners and persons with learning difficulties, on an equal basis with others, taking into account special communication and linguistic needs and reasonable accommodation requirements. They shall be provided with teaching staff who have received specialized professional training. Their performance shall be enhanced and they shall be offered material and moral incentives." Article 10 stipulates that: "The Government shall introduce effective administrative and organizational arrangements to integrate persons with disabilities, persons with learning difficulties and slow learners into the various levels of education. Their curricula shall be conducive to rehabilitation and commensurate with their sensory, physical and mental capabilities, so that they are qualified to integrate into society, employment and production."

We wish to draw attention to the response to paragraph 55 (b).

(c) The State guarantees the right of persons with disabilities, slow learners and persons with learning difficulties to enrol in the nearest school and has not prevented their

enrolment. However, students' guardians may wish to have them enrolled in specialized schools alongside other students with disabilities. In 2010 the State launched the school integration project for persons with learning difficulties. It appointed specialist teachers to provide students with educational support and social and psychological specialists to provide them with psychological and social support so that they could enjoy all their rights and achieve social integration. A partial integration project has been implemented since 1995. Students with motor, auditory and visual disabilities pursue the same curricula as healthy students but different methods of presentation are adopted. The Ministry of Education requires the owners of private schools to ensure that their teaching staff participate in training plans and programmes under its supervision. Annex 15 provides information on teacher training in private schools.

We wish to draw attention to the response to paragraph 55 (c).

(d) We also wish to draw attention to the response to paragraph 55 (d).

(e) The Department of Care for Persons with Disabilities of the Public Authority for the Affairs of Persons with Disabilities seeks to provide the best possible psychological, social and health-care services. It supports their training, rehabilitation, employment and integration into the community, and ensures that they play an effective role in society by introducing various methods of care and undertaking awareness-raising campaigns aimed at society in general, including governmental and private institutions, with a view to promoting a positive image of children and adults with disabilities. The services include:

1. Provision of social and psychological services from an early age through the early intervention centres that have been established in the various regions of Kuwait; provision of services for children from birth up to the age of six years, using the most up-to-date programmes, such as the Portage early intervention programme, physiotherapy services and speech disorder services;
2. Cultural and media awareness-raising by means of communication with families and society, and distribution of booklets on the causes of disabilities, how they can be prevented and how they should be addressed when they occur;
3. Communication with successful models to highlight the progress that can be achieved by persons with disabilities through strong will and determination and to enable them to serve as role models for other persons with disabilities;
4. Organization of seminars on persons with disabilities involving a distinguished group of lecturers on special occasions, such as the International Day for Persons with Disabilities, Arab Day and World Autism Awareness Day;
5. Cooperation with the Ministry of Information in using awareness-raising aids, such as the Makaton programme, to clarify existing information and data; broadcasting of educational programmes; and presentation of different types of disabilities, their causes and how to address them;
6. Participation in conferences and seminars organized by the League of Arab States and international organizations that deal with issues of persons with disabilities in order to benefit from their recommendations;
7. Cooperation with the Ministry of Education in receiving students from schools and visiting persons with disabilities in homes and centres run by the Department of Care for Persons with Disabilities in order to generate awareness of their needs;
8. Organization of art workshops and displaying of children's works of art at exhibitions held on all occasions throughout the year.

### **Paragraph 58**

The Ministry of Health is committed to treating children of illegal residents in accordance with the terms stipulated in regulatory decisions. They are exempted from payment of health fees, and entitled to receive treatment for blood diseases, cancer and emergencies, to visit outpatient clinics, to be admitted to hospital, and to receive surgery



and other comprehensive medical services free of charge. The Central Agency for Regularization of the Status of Illegal Residents also takes vigorous action to ensure that all children of illegal residents have access without delay to medical care and health-care treatment, in accordance with Ministerial Decision No. 68 of 2011 on the right of all illegal residents to have access to health care, to be exempt from all fees and to be granted a special identity card. Support for treatment is also provided by the Charitable Fund. The number of beneficiaries totalled 56,546 during the period from 2003 to 2012 at an estimated cost of about \$10 million. Persons who are not registered with the Central Agency are issued with health insurance cards by Bait al-Zakat that cover the full cost of health care.

#### **Paragraph 60**

The Ministry of Health abides by the decisions regulating the abortion procedure, in accordance with Ministerial Decision No. 55 of 1984 based on article 12 of Act No. 25 of 1981.

#### **Paragraph 62**

A mental health bill is awaiting approval by the Committee on Legislative Affairs in the National Assembly. The bill is composed of 37 articles and Chapter III contains provisions concerning the admission of patients to mental health facilities. There are three sections clarifying the procedures for the admission of patients to mental health facilities for adults, minors and children, the procedures for voluntary admission and the conditions governing compulsory admission, and the organization of placement and oversight operations in mental health institutions.

With regard to the arbitrary placement of girls in mental care institutions, this is inaccurate inasmuch as the current system requires the referral of all mental care patients by the responsible team and attending physician without discrimination on grounds of gender. There are also impartial specialized technical committees, supported by a legal opinion, that study each case separately and adopt decisions and recommendations concerning treatment that are not confined to placement in health-care institutions.

#### **Paragraph 64**

(a) Article 13 of the Constitution stipulates that: "Education is a fundamental prerequisite for the progress of society and is guaranteed and promoted by the State." It reflects the State's concern for society as a whole without any discrimination or distinction. Equality is a bedrock of society. Students who are illegal residents receive the same tuition as Kuwaiti students in terms of the level of education and curricula, and they attend the same schools and classes and participate in the same activities. They are entitled to enrol in public schools, in accordance with the rules laid down in Decree No. 504 of 2010, Decree No. 114 of 2016 and Decree No. 175 of 2016. They belong to the following groups:

- Children of a Kuwaiti mother married to a non-Kuwaiti;
- Children of the staff of the Ministry of Education;
- Descendants of military personnel;
- Descendants of martyrs;
- Descendants of Kuwaitis.

The State provides financial support for children of legal residents who are not covered by the above-mentioned decrees, and all educational costs are met by the Charitable Fund that was established in 2003 and is supervised by the Special Education Department of the Ministry of Education. More than 15,000 students have benefited from such support. A table in annex 16 shows the number of registered students who are illegal residents and the number of students in private schools who are illegal residents. The Charitable Fund covers their tuition fees;

(b) We wish to point out that, as a result of advances in society's cultural, intellectual, social and civil awareness, there are very few marriages among girl students, so that the regulations have become ineffective. They were issued in the past to meet a need

that no longer exists. Moreover, they were previously deemed to constitute positive discrimination on behalf of women, since their objective was to take into account their psychological and social situation after marriage;

(c) The educational process, comprising curricula, teachers, students, schools and associated activities, takes place in an environment characterized by Islamic values and principles and sublime humanitarian values, which require respect for other persons and their inviolability, submission of a request for permission, as a form of etiquette, before entering a person's home, respect for the family's role in child raising, and maintenance of the child's dignity. These values and the important role played by social and psychological services in schools produce an educational environment that deters the occurrence of such incidents. In addition, the Ministry implements a valuable programme in schools. If a student is subjected to sexual harassment, the school's social and psychological specialist develops a treatment plan in cooperation with the student's guardian. State institutions, including the Ministry of Health and the Ministry of the Interior, are also jointly developing preventive and therapeutic awareness-raising plans within and outside schools. In addition, the Ministry of Education is taking action to prevent the phenomenon of harassment in schools and to preserve students' safety, including the use of surveillance cameras in all the Ministry's facilities and institutions. Tenders are offered with the aim of guaranteeing improved transport services for students, and the Ministry has assigned a number of Kuwaiti escorts to provide protection for students in buses. They are appointed by the Civil Service Commission in Kuwait, and their mission is to monitor students during school days. Furthermore, the legislation criminalizes such behaviour and the perpetrators are held criminally accountable.

#### **Paragraph 65**

The State attaches importance to early childhood care and its impact on community development. It focuses on pupils at the primary level and provides them with educational services based on international standards for early childhood. Educational facilities are based on modern techniques geared to the needs of young pupils, and the curricula are designed to build their experience, develop their knowledge and skills, and enhance their ability to communicate with others. In addition, the Ministry organizes vocational training for teachers with a view to promoting children's mental, social and psychomotor development. To that end, the State of Kuwait launched a discussion of the future of early childhood education and held a regional meeting (Middle East and North Africa) from 19 to 23 February 2017, in cooperation with the World Bank, with a view to achieving Sustainable Development Goal 4 (target 4.2). The measures taken by the Ministry of Education included the preparation of a proposal for compulsory kindergarten education and the necessary procedures to ensure its implementation, as well as the creation of a working group to prepare the national early childhood framework document, which will be completed this year.

#### **Paragraph 67**

The Children's Clubs Department of the Ministry of Social Affairs and Labour is tasked with preparing programmes and activities for children's parks throughout the country, supervising progress in order to provide effective services for club members, monitoring and assessing activities and proposing measures to meet existing needs. It promotes a spirit of tolerance and respect for Islamic ideals, as well as the concept of citizenship among children and participation in community activities, and organizes programmes for mothers and families to generate awareness of child care options. The parks and clubs admit children who wish to participate in their activities and provide comprehensive care. They develop their talents and abilities in diverse areas, and build relations between the parks, families and local communities so that they may cooperate in achieving their goals.

The National Council for Culture, Arts and Literature is tasked with developing children's interests and aspirations as well as their creative abilities in various cultural and artistic fields and with nurturing a generation that is fully aware of the developments taking place throughout the world. The National Council for Culture, Arts and Literature

established the Abdulaziz Hussein Cultural Centre to host many outstanding children's programmes and festivals. As children constitute the future assets of any society, the Council has encouraged the establishment and approval of annual festivals, such as Future Generations, a child and youth cultural festival, and the Arab Children's Theatre Festival, which comprises free cultural and artistic activities, such as theatrical and musical performances by artists from different countries, in order to provide an opportunity for children to learn about different cultures and civilizations. Technical workshops and training courses are organized in diverse visual and audiovisual arts and creative fields such as writing and recording, which provide children with opportunities to showcase their abilities, refine their talents and invest in their spare time.

Curricula and extra-curricular activities have focused on diversity and inclusiveness in the arts, sports and music and active participation in competitions, exhibitions, sport tournaments and theatrical roles. The Ministry of Education decided to promote evening clubs for students to meet their technical, creative, physical and mental needs. Accordingly, it established an evening club under its supervision in each school district to refine their skills in a competitive environment. The services provided by the clubs include swimming, bowling, artistic creativity, computer science, etc. In addition, the Ministry organizes an annual scout camp each spring.

### **Paragraph 69**

Although there are no refugees in the State of Kuwait, such cases should be addressed in accordance with the applicable humanitarian standards. The State has endorsed the principle of non-refoulement, i.e. no persons may be deported or returned to the country from which they came if it is proven that they might be at risk. Article 46 of the Constitution of the State of Kuwait stipulates that: "The extradition of political refugees is prohibited." Furthermore, all residents in its territory enjoy the right to health care and education.

There is no specific legal and institutional framework regulating the status of asylum seekers in accordance with international standards, since the State is not a party to the Convention relating to the State of Refugees and there are no refugees in the State of Kuwait. However, the State supports action by the Office of the United Nations High Commissioner for Refugees (UNHCR) to alleviate the human suffering caused by displacement and refugee status by providing voluntary annual contributions.

In 1996, Kuwait signed a cooperation agreement with UNHCR headquarters, in which it specified the tasks undertaken by the UNHCR office in Kuwait, which plays an important role in protecting and monitoring the conditions of the groups in question, in permanent cooperation and consultation with the Kuwaiti Government, with a view to organizing and providing humanitarian assistance. In December 2015, the State of Kuwait enabled UNHCR to visit the deportation centre and meet with communities whose regions of origin were experiencing critical situations in order to assess the extent to which the resettlement programme was applicable to them.

### **Paragraph 71**

Children of illegal residents enjoy the right to education. The Charitable Fund for the Education of Needy Children covers the costs of tuition at all levels, from elementary to secondary education. A sum of KD 6,577 million, which is equivalent to \$21,606 million, was allocated for the 2017/18 academic year. A total of 16,521 students benefited from the funds, at a cost of KD 5,551,247, which is equivalent to \$18,236,700. The number of students enrolled in public schools in the 2017/18 academic year totalled 30,097 and the number enrolled in private schools totalled 19,436.

The Ministry of Education registers the children of Kuwaiti women and illegal residents and the children of staff of the Ministry of Defence and the Ministry of the Interior in public education.

The State provides them with food supply services, similar to those of Kuwaitis, at symbolic prices. The supplies include rice, sugar, oil, lentils, baby milk and tomato paste.

Governmental charities run by the Kuwaiti Bait al-Zakat provide financial and in-kind assistance to the families of illegal residents. During 2016, they provided approximately \$31,712,700 of financial assistance to 15,141 families in need.

In-kind assistance, such as foodstuffs, clothes and electrical appliances, was provided to about 4,326 families, at a cost of approximately \$3,543,126.

### **Paragraph 73**

(a) The State has displayed a palpable interest in promoting social welfare and development systems since the 1960s. It established a social security network, comprising diverse regulations, mechanisms, institutions and expertise, which guarantees and supports the economic and social empowerment of Kuwaiti citizens. It provides various forms of social protection and care for eligible social groups, especially children, with a view to protecting them from poverty, enabling them to achieve the best possible standard of living and alleviating the adverse impact of economic and social change. In line with this policy, one of the objectives of the Medium-Term Development Plan is to address poverty by supporting and developing the goals, programmes and mechanisms of the social security network by means of the following measures:

Development of mechanisms that reflect the economic and social changes in Kuwaiti society; creation of a strategic framework for elaborating public policies; and design of an information system to connect the competent authorities with the social security network in order to exchange information and support service delivery;

Development of the social welfare system; diversification of its sources and formats; enabling target groups to obtain income-earning opportunities in productive areas and ensuring their sustainability so that groups receiving social assistance, especially females, may be converted into productive groups;

The Ministry of Education has taken vigorous action to address the phenomenon of school dropout and has undertaken systematic studies to determine its causes. It has sought to enhance students' educational performance by promoting modern teaching methods and techniques in order to motivate them to continue broadening their knowledge. The State has also increased citizens' incomes in order to prevent them from compelling their children to leave school and go to work. It has supported action by the Ministry of Education to raise awareness of the importance of family and community social relations for schools. The use of corporal and humiliating punishment by teachers has been prohibited since it is perceived as one of the reasons for school dropout. Steps have been taken to simplify the curricula, to select competent teachers and to promote the role of educational counsellors and social and psychological experts in helping students to resolve their educational and non-educational problems. Steps have also been taken to promote cooperation between the educational system and parents; to ensure that students are treated fairly and without discrimination in the school environment; to provide distinctive education for individuals with special needs; to allow student dropouts to re-enrol; to enforce the law on compulsory education at various levels and to create monitoring and enforcement mechanisms; to provide financial aid for poor families to cover educational costs and fulfil their children's educational requirements; to raise family awareness of the value and importance of education and the risks of dropout for their children; and to promote liaison meetings and communications between families and schools so that families can keep abreast of their children's development, solve their problems, and participate in external activities organized by schools;

(b) The phenomenon of street children does not exist in the State of Kuwait because of the economic prosperity and decent standard of living of its citizens and residents. In addition, the law prohibits the employment of persons under 18 years of age. However, if the conditions are moderate and in line with international standards, young people in the 15 to 18 age group may be employed in non-hazardous industries and occupations;

(c) The laws of the State of Kuwait prohibit children from working on the street and such cases can be reported by telephone to the Ministry of the Interior.

We also draw your attention to our replies to paragraphs 44 and 79 of the report and paragraphs 29 and 30 of the Optional Protocol on the sale of children, child prostitution and child pornography.

#### **Paragraph 75**

The State is committed to implementing the recommendations and concluding observations issued by human rights treaty bodies and to developing legislation, measures and policies aimed at promoting human rights principles and concepts. It has taken vigorous action to implement the recommendations by cooperating with international governmental and non-governmental agencies and institutions. Pursuant to Administrative Decision No. 2578 of 2017, a working group, headed by the Ministry of Foreign Affairs and composed of representatives of competent authorities, was established to monitor the implementation of human rights recommendations. With regard to the recommendations issued by the Committee on the Rights of the Child, the Ministry of the Interior issued Ministerial Decision No. 645 of 2015 establishing a Child Protection Office in the Juvenile Protection Department. Kuwaiti citizenship was granted to 2,192 children of Kuwaiti women married to non-Kuwaitis during the period from 2003 to 2017. Steps were taken to bolster local institutional links among sectors tasked with child protection, and to support partnerships with Arab and international organizations and associations in order to build the capacity of child protection personnel through programmes, training courses, scientific seminars and conferences.

Kuwait has established a number of bodies tasked with resolving the problem of illegal residents, most recently the Central Agency for Regularization of the Status of Illegal Residents, pursuant to Ministerial Decision No. 409 of 2011. Cards have been granted to illegal residents so that they have access to benefits, just like Kuwaitis, such as education, free treatment, the rationing system and driving licences. The right to enrol in public schools has been granted to children of Kuwaiti women married to foreigners, children and grandchildren of illegally resident soldiers in the Kuwaiti army, and children of non-Kuwaiti teaching staff in government schools. The number of enrolled children totalled 2,030 in 2016.

#### **Paragraph 77**

In accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) issued pursuant to United Nations General Assembly resolution No. 40/33, the Kuwait Institute for Judicial and Legal Studies was established to familiarize law enforcement officials, especially judges and members of the Public Prosecution Service, with the principles of juvenile justice applicable in investigative and trial procedures. Basic and in-service training courses were organized to enhance their expertise and raise their levels of performance, in accordance with Decree No. 37 of 1994.

The State of Kuwait launched a judicial initiative on 1 January 2018 aimed at ensuring respect for the principle of restorative justice in cases involving offences and traffic violations committed by juveniles, in compliance with article 40 of the Convention on the Rights of the Child concerning the recognition by States of the right of a child who infringes the Criminal Code to be treated in a manner which is consistent with the promotion of the child's sense of dignity, which reinforces the child's respect for the rights of others, and which takes into account the desirability of the child's reintegration into society. Measures should be adopted for dealing with juveniles without resorting to judicial proceedings. All procedures should be conducted in the building of the Juvenile Prosecutor's Office, where juvenile offenders should first be informed of the charges, and then attend awareness-raising lectures on the seriousness of such infringements and the conduct required when using the roads, delivered by an officer of the General Traffic Department of the Ministry of the Interior. As a result, the case is not referred to the criminal courts and the juvenile's future is preserved. The initiative proved successful, as conciliatory action was taken in 502 cases, or 30 per cent of all cases involving the Juvenile

Prosecutor's Office, between the beginning of 2018 and the end of the third quarter. Juvenile crime rates and traffic violations also declined by 40 per cent during the same period, for the first time since the establishment of the Juvenile Prosecutor's Office in 1983.

With regard to the child's right to a fair hearing according to law without delay, the building of the Juvenile Prosecutor's Office is ideal for the purpose. The following branches of auxiliary bodies were opened within the building: an office of the General Traffic Department to implement conciliatory provisions and deliver awareness-raising lectures; an office of the Juvenile Protection Department ("Juvenile Police") to expedite the implementation of the decisions of the Juvenile Prosecutor's Office; an office of the Ministry of Justice to obtain financial guarantees from juveniles' parents; and an office of the Ministry of Social Affairs and Labour to submit reports and studies on the juveniles once the investigation has been completed. As a result of the foregoing, the completion of cases based on the "one day" concept, i.e. completion of the investigation and disposal of cases on the same day, was achieved in 70 per cent of cases, including those concerning traffic-related, municipal, residential and environmental issues.

It should be noted that the Juvenile Prosecutor's Office discontinues all cases of violations of the Residence Act concerning foreign children, in line with article 3 of Act No. 21 of 2015 on the rights of the child, which underscores the need to protect children and give priority to their interests in all decisions and procedures concerning children, regardless of the authority that issues or implements them.

With regard to the measures to be taken in cases involving juvenile defendants, the Juveniles Act, which was promulgated by Act No. 111 of 2015 and amended by Act No. 1 of 2017, specifies the competent authorities and entrusts the Juvenile Protection Police with the tasks of conducting investigations and research and gathering evidence in the fight against juvenile crime. They refer juvenile defendants to the Juvenile Prosecutor's office, which is responsible for the investigation, disposal and prosecution of juvenile cases. The Juvenile Court was restructured pursuant to article 33 (1) of the Act, which stipulates that "A Juvenile Court shall be established in the court of first instance. It should be composed of a judge of at least the rank of a judge of the court of first instance, and of two assistant judges and two social workers, at least one of whom shall be a woman. Their attendance at the trial proceedings shall be mandatory." Juveniles are tried in camera, according to article 40 of the Act.

The Kuwaiti judiciary acts in accordance with a number of basic principles. Thus, juveniles must be informed of the charges against them and provided with the services of a lawyer. The investigation and trial proceedings are conducted in the presence of one or both parents or the juvenile's guardian. Witnesses may be confronted and interrogated and appeals may be filed with a higher court. Information concerning juvenile cases may not be published in the media. Juveniles are segregated from adults during the judicial proceedings and enforcement of judgments in detention facilities. The judgments are enforced in the social care homes run by the Ministry of Social Affairs and Labour.

The legislature has entitled the court to reduce the term of imprisonment to the minimum, especially if juveniles of 15 years of age commit an offence that is punishable by a fixed term of imprisonment. The sentence shall not exceed half the maximum prescribed penalty, according to article 15 of the Act.

Juvenile Court rulings are not deemed to constitute a criminal record, so that juveniles are not precluded from obtaining employment.

Domestic legislation is consistent with article 40 (3) of the Convention on the Rights of the Child. Article 18 of the Criminal Code stipulates that children under the age of 7 years may not be held criminally liable. The sole action that may be taken in such cases is delivery into the custody of a guardian or placement in a hospital or specialized social welfare institution, depending on the case. No penalties may be imposed either on children in the 7 to 15 age group. Rehabilitation measures may be imposed to the extent strictly required.

Article 15 of the Juveniles Act prohibits the imposition of severe penalties on juveniles over 15 years of age. Their youth is deemed to constitute a lawful justification for

a reduction of the penalty. Article 16 authorizes the Juvenile Court to prescribe alternative measures to the penalty.

The provisions of the Code of Criminal Procedure concerning the periods of arrest and detention for adult defendants have been amended. Article 18 of the Juveniles Act concerning the duration of pretrial detention and confinement in surveillance facilities pending investigation prescribes a period of seven days from the date of arrest. Moreover, it is implemented only if the interests of the investigation or of the juvenile so require.

Detention and imprisonment orders have been reviewed. Pursuant to article 18 of the new Juveniles Act, an order of detention or renewal of detention for a maximum period of 3 months and 7 days is reviewed by the Juvenile Court to ensure that the period of detention is not renewed for additional periods simply on the grounds of suspicion, pursuant to article 23 of the previous Act No. 3 of 1983. In response to these guarantees, the Code of Criminal Procedure has been amended through the introduction of procedures that improve the general conditions of detention and pretrial detention. They constitute duties for law enforcement agencies and are applicable, as follows, to all arrested persons:

1. Immediately after arrest and during the period of confinement, the police must enable accused persons to contact their lawyers or inform persons of their choice of their situation, in accordance with article 60 bis of the Code of Criminal Procedure.
2. Accused persons who are detained by the police or remanded in custody must be informed in writing of the reasons for their detention or custody, and must also be permitted to seek the assistance of a lawyer and to meet privately with their lawyer at any time, in accordance with article 74 bis of the Code of Criminal Procedure.
3. Persons remanded in custody may lodge a complaint against the remand order before the president of the court competent to approve the renewal of such orders. The president of the court shall rule on the complaint within 48 hours from the date of its submission, and any decision rejecting the complaint must be substantiated, in accordance with article 69 (2) of the Code of Criminal Procedure.

It should be noted that the allegations that the Act was to be amended to permit sentences of imprisonment to be imposed on persons under 15 years of age are unsubstantiated.

Girls who are at risk of delinquency are not detained in social care homes, but are temporarily accommodated pending the provision of an appropriate environment to reintegrate them into society following comprehensive social research by specialists, in accordance with article 1 of the Juveniles Act No. 111 of 2015, as amended by Act No. 1 of 2017.

The Juvenile Welfare Committee of the Ministry of Social Affairs and Labour may take the measures provided for in article 7 of the Juveniles Act for juveniles at risk of delinquency, if the Committee considers that the juvenile's interests so require.

A total of 30 girls at risk of delinquency were accommodated in hospitality and reception centres during the period from 2014 to 2017.

The Juvenile Prosecutor's Office undertakes inspections of the care homes in which juveniles are held in order to ascertain whether they have access to recreational and sports services and activities, whether they can receive visit from their relatives, and whether juveniles' complaints are heard and investigated. Monthly reports are prepared for submission to the Attorney General, in accordance with article 56 of Legislative Decree No. 23 of 1990 concerning the Organization of the Judiciary Act. The President of the Juvenile Court or experts representing him visit the social welfare homes once every three months and order them to take whatever measures are deemed to be necessary in the interests of the juveniles, in accordance with article 54 of the Juveniles Act No. 111 of 2015, as amended by Law No. 1 of 2017, and the provisions of the Convention on the Rights of the Child concerning the treatment of every child deprived of his or her liberty with humanity and the child's right to maintain contact with his or her family.

The Juvenile Prosecutor's Office undertakes inspections of the care homes in which juveniles are held in order to ascertain whether they have access to recreational and sports services and activities, and whether they can receive visit from their relatives. Monthly reports are prepared for submission to the Attorney General.

In accordance with the provisions of the Convention on the Rights of the Child requiring that the child, when charged and tried, obtains the necessary legal assistance to present his or her defence, article 41 of the Juveniles Act No. 111 of 2015, as amended by Act No. 1 of 2017, stipulates that: "Juveniles or their guardians have the right to appoint a lawyer to defend them in the investigation and trial stages. If a lawyer has not been appointed to defend them, the prosecutor's office or the court shall appoint a lawyer to perform the task."

It should be noted that if juvenile defendants or their guardians request the presence of a lawyer to defend them at any stage of the investigation but are insolvent, i.e. unable to pay the lawyer's costs, they are legally entitled to submit a request to the Legal Aid Committee of the Bar Association to provide them with defence counsel.

With regard to the provision of interpretation services for children, the investigator or judge is required to assign an interpreter who has taken an oath before conducting investigations with a defendant or witnesses. The investigator may seek the assistance of a person with the requisite expertise in a matter related to the investigation if the child is unable to understand or speak the language used, in accordance with article 100 of the Code of Criminal Procedure. The Translation Department of the Ministry of Justice provides interpreters for the investigating authorities and the courts.

With regard to the training of judicial personnel, the Kuwait Institute for Judicial Studies provides human rights training courses in cooperation with OHCHR in order to consolidate their knowledge of international human rights issues and ensure that human rights law is enforced. Some of the staff have been provided with training skills so that the Institute can call on them to train its members. The training took place in three stages:

1. Human rights phase 1 on 8 February 2015;
2. Human rights phase 2 on 8 March 2015;
3. Human rights phase 3 on 5 April 2015.

The Kuwait Institute for Judicial Studies has organized a number of additional training courses:

1. Human rights in the context of criminal trials on 1 March 2015;
2. A module on human rights law (intended for law students who wish to join the Public Prosecution Service), sixteenth session 2017/18;
3. The first Gulf training course on international humanitarian law, February 2016;
4. The seventh regional training course on international humanitarian law, 3 and 4 May 2017.

Annex 17 contains data from the Central Bureau of Statistics on residents in social welfare homes and the Juvenile Care Department in Kuwait during the period from 2012 to 2016.

### **Paragraph 78**

The State of Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women by Decree No. 24 of 1994, as amended by Decree No. 105 of 2011. It acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1996, and the articles of the Convention were incorporated in its domestic legislation pursuant to Act No. 1 of 15 January 1996. It acceded to the Convention on the Rights of Persons with Disabilities on 14 February 2013, pursuant to Act No. 35 of 2013.



With regard to the International Convention for the Protection of All Persons from Enforced Disappearance, the State of Kuwait treats all acts involving enforced disappearance as flagrant violations of human rights and has put in place all appropriate safeguards that guarantee fundamental rights and freedoms for every individual. The safeguards include measures to prevent enforced and involuntary disappearances and to prosecute the perpetrators of such acts. Kuwaiti legislation includes provisions that prohibit acts of abduction that impair and restrict an individual's right to life. The Kuwaiti Criminal Code characterizes such acts as punishable offences under criminal law.

Accession to the Convention requires the alignment of domestic legislation with its provisions. The competent authorities of the State of Kuwait do not consider that the Convention would entail additional obligations in terms of diverse human rights and freedoms and the prohibition of enforced disappearance. Accordingly, there is currently no need to sign the Convention, especially since the State of Kuwait is cooperating closely with the Committee on Enforced Disappearances. Kuwait has provided the Committee with all the information it has sought, thereby confirming the State's aspiration to investigate the facts and take all necessary measures to prevent and prosecute enforced disappearances.

With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the State of Kuwait has studied the Convention and has decided that it is currently more opportune to delay accession. The Kuwaiti legislature has included provisions in the country's constitutional and legal system that protect migrant workers and uphold their rights. In addition, the State of Kuwait has ratified the following seven conventions of the International Labour Organization (ILO) on human rights and the protection of workers' rights:

1. The ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in 1961;
2. The ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105), in 1961 and 1968 respectively;
3. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 1966;
4. The ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), in 1999 and 2000 respectively;
5. The ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in 2007.

With regard to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, a study of the Protocol indicated that, given the existing constitutional and legislative provisions, it is inconsistent with the principles governing national legal and judicial jurisdiction in the State of Kuwait. The State abides by the principle of full and absolute legal and judicial sovereignty over the whole of its territory, including the legal right to require everyone on its territory to submit to its sovereignty and comply with its constitutional and legislative provisions.

### **Paragraph 79**

We affirm the determination of the State of Kuwait to interact positively with the recommendations issued by treaty bodies and to take the requisite steps to implement them in cooperation with all competent authorities in the country. The recommendations were transmitted to all State bodies, as indicated in the second part of the report.

The State is committed to implementing its international obligations and responding to the recommendations issued by official organizations, which are transmitted to the competent authorities. The Ministry of Justice transmits observations and inquiries that fall within the jurisdiction of the competent authorities, including the Supreme Council of the Judiciary (the courts and the Public Prosecution Service) and the Kuwait Institute for Judicial Studies. Pursuant to Ministerial Decision No. 180 of 1999, a standing committee was established to review and develop legislation.

**Paragraph 80**

The Ministry of Foreign Affairs has created a website on which all reports by the State of Kuwait to the treaty bodies are published together with the concluding observations issued by the treaty bodies after each dialogue. The general public thus has access to the documents and the reports are discussed in the local media whenever the State appears before the treaty bodies.

The committee that is tasked with preparing reports on the State of Kuwait for the international human rights treaty bodies continues to cooperate closely with active civil society institutions. Consultation meetings are held to hear their observations and queries concerning the reports of the State of Kuwait to the human rights procedures and treaty bodies.

### **3. Concluding observations issued by the Committee on the Rights of the Child to the State of Kuwait concerning the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/KWT/CO/1)**

**Paragraph 6**

A family strategy was developed in 2017 in coordination with the General Secretariat of the Supreme Council for Planning and Development in the State of Kuwait, in cooperation with the UNDP office in Kuwait and with the participation of members of the Supreme Council for Family Affairs. An analysis of the current situation in Kuwaiti society focused on a number of family issues such as: the demographic situation; family formation trends; issues related to low Kuwaiti population growth rates; student ratios; participation in the labour market; the rise in the average age of marriage; marriages of Kuwaitis of both genders to non-Kuwaitis; the rise in divorce rates; and marriage challenges of Kuwaiti families. Issues relating to children, juveniles and persons with special needs, care for older persons, addiction and Kuwaiti family formation trends were also analysed.

In response to the challenges presented by issues relating to children, juveniles and persons with special needs and care for older persons, the State of Kuwait has adopted targeted policies and programmes on child care and protection and has enacted special legislation for persons with special needs, juveniles and older persons. Legislation, procedures and programmes have been adopted for the purpose. Act No. 21 on the rights of the child, which was promulgated in 2015, comprises a number of chapters dealing primarily with general principles and rights, social care, health care, custody, education, alternative care, and protection and rehabilitation of children with disabilities. The Act specifies procedures for its implementation, provides for the establishment of nurseries, prescribes specific penalties for breaches of the law, and provides for child protection in the event of disasters, emergencies and conflict situations. The Act also provides for the establishment of social and psychological development and counselling centres in the governorates in order to protect children from violence and exploitation. In addition, the Act provides for the establishment of child protection centres and the development of a comprehensive data collection system covering all aspects of treaties and protocols concerning the rights of the child.

We wish to draw attention to the responses to paragraphs 12, 14 and 22 contained in part 3\* of the report.

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\* *Translator's note:* There are references in the remainder of the report to "parts" of the report that are inaccurate. For example, there are several references to "part 5" of the report, although there is no "part 5"

### Paragraph 8

All security and training programmes organized by the Ministry of the Interior to build the capacities of professionals dealing with children's affairs are intended for all children, regardless of their nationality.

The Child Protection Office at the Ministry of Health has organized training courses for professionals dealing with children under preventive plans and programmes. They include the following courses:

1. Information concerning violence against children, risk factors, and the Kuwait National Child Protection Programme;
2. The child abuse reporting procedure, child protection teams in Kuwait and their role in dealing with cases of child abuse, and articles of Kuwaiti Act No. 21 of 2015 on the rights of the child concerning protection against crime.

The Ministry of Social Affairs and Labour has organized, in cooperation with the Kuwaiti National Human Rights Commission and with the participation of public welfare associations, a number of training courses to upgrade the skills and capacities of Ministry staff and social welfare personnel specializing in human rights. The Ministry also organized, in cooperation with UNICEF, a consultative seminar on juveniles, violence and early childhood, which was attended by representatives of a number of government agencies and civil society institutions. The seminar discussed a number of issues, such as early childhood development (during the first thousands days), violence as negative energy, children's rights, and juvenile justice.

### Paragraph 10

There are no victims in the State of Kuwait of acts prohibited under the Optional Protocol. The State of Kuwait is committed to the Convention on Protection of Children, and it has established a special data collection system, run by the Authority for Civil Information, which provides the Ministry of Defence with data concerning young people who have reached the age of 18 years so that they can be registered for national service.

According to the most recent figures, a total of 94 recruits, born between 10 May 1999 and 6 November 1999, were registered on 6 January 2018. The National Military Service Act in the State of Kuwait rendered conscription compulsory for all males who had reached the age of 18 years when the Act entered into force. Persons over the age of 18 were exempted from conscription. National service consists of active service and reserve service. Article 2 of the Act stipulates that: "Every male Kuwaiti who has reached the age of 18 years and is not over 35 years of age is required to perform national military service, in accordance with the provisions of this Act."

### Paragraph 12

The Ministry of Education has taken vigorous action to promote human rights, concepts of peace and tolerance, respect for others, and local and international culture. Human rights are taught at both the pre-university and university levels under the Arab Plan for Human rights Education (2009–2014) and the Arab Plan for the Promotion of Human Rights (2010–2015). In addition, human rights training and awareness-raising courses are organized for teachers. At the primary level, for example, they promote a culture of peace, tolerance, non-violence, dialogue and communication, and respect for others. Students at the intermediate level learn about concepts and values of non-violence, moderation, restraint and peaceful coexistence, as well as media awareness-raising, constitutional provisions, elections and voluntary work. The Ministry's human rights courses at the secondary level focus on the Constitution and human rights and highlight the importance of international organizations and the role they play in protecting human rights. The following rights are studied in greater detail: the right to life, equality and human dignity; freedom of belief, opinion and expression; the right to education; women's rights; children's rights; political rights; and individual duties. At the university level, all students are required to attend a special course in international human rights and humanitarian law.

**Paragraph 14**

We reaffirm that there are no armed or military groups in the State of Kuwait. The recruitment of children is a criminal offence and participation in armed conflicts violates the rights of the child. Article 31 of Act No. 31 of 1970, which amended certain provisions of Criminal Code No. 16 of 1960, stipulates that: “Anyone who trains a person to carry a weapon or to use ammunition or who provides training in martial arts of any kind with the intention of seeking the assistance of the persons concerned in achieving an unlawful objective shall be liable to a term of imprisonment of at most 15 years and at least 3 years. Anyone who is trained to carry weapons or to use ammunition, and is taught martial arts in the knowledge that the trainer or teacher intends to use their skills to achieve an unlawful objective shall be liable to a term of imprisonment of not more than 3 years.”

Act No. 32 of 1976 regulates eligibility to join the armed forces of Kuwait. One of the conditions is that no person under the age of 21 may enrol as an officer in the army and no person under the age of 18 may enrol as a non-commissioned officer or private. Other conditions relate to nationality and medical fitness. In addition, the Compulsory Service Act No. 102 of 1980 stipulates that military service is compulsory for all Kuwaitis who have reached the age of 18 years, although the provisions of the Act were suspended.

With regard to the recruitment of children abroad by other entities or their involvement in armed groups, the Kuwaiti Criminal Code criminalizes acts that constitute abduction. Articles 178, 179, 180, 184 and 185 of the Code criminalize acts that restrict children’s freedom or entail their deportation to other countries. Accordingly, the incorporation of children into armed groups or militias is punishable under Kuwaiti legislation, and there have been no reports to date of the use or exploitation of children in any armed conflict.

**Paragraph 16**

Act No. 16 of 1960 promulgating the Criminal Code specifies the scope of criminal jurisdiction of national courts in articles 11 and 13, which are quoted below:

Article 11: “The provisions of this Act shall be applicable to any person who commits an offence defined in this Code in the territory of Kuwait or outlying territories. They shall also be applicable to any person who commits an act outside the territory of Kuwait that renders him the author of or an accomplice to an offence perpetrated wholly or partly in the territory of Kuwait.”

Article 12: “The provisions of this Act shall also be applicable to any person of Kuwaiti nationality who perpetrates an act outside Kuwait that is punishable under the provisions of this Code and the provisions of the law applicable in the place where the act was perpetrated, if the person returns to Kuwait without having been acquitted by the foreign courts.”

Article 13: “Criminal proceedings shall not be instituted against a person who committed a crime abroad if it is proven that the person has been convicted by a foreign court and has served his sentence.”

Accordingly, the scope of the extraterritorial jurisdiction of Kuwait are clearly specified by the provisions of the Criminal Code that are quoted above.

**Paragraph 18**

The State of Kuwait has concluded many bilateral agreements concerning extradition, in line with its aspiration to promote legal and judicial cooperation in the interests of justice. The provisions concerning extradition of perpetrators contained in the international instruments and bilateral agreements signed by the State of Kuwait concern the general procedures for extraditing offenders without identifying specific offences.

**Paragraph 20**

The care homes run by the Ministry of Social Affairs and Labour comprise social welfare centres that seek to facilitate juveniles’ positive adjustment to the environment in

which they live, under the supervision of social and psychological specialists of both genders, who help them to achieve balance between their motives and needs and to develop their capacities to achieve certain objectives following the treatment phase.

With regard to the rehabilitation of juveniles in line with the provisions of the Convention on the Rights of the Child, Ministerial Decision No. 90/A of 2016 on the organization of external and internal visits for juveniles placed in social care homes was adopted, establishing a unique system in the State of Kuwait. Juveniles are permitted to leave and stay overnight in their homes in order to visit their relatives on weekends and national holidays and during book fairs. Juveniles are also permitted to complete their studies in universities or vocational and training institutes, and are allowed to leave the social care home every day to attend lectures. Humanitarian visits are also permitted in the event of the decease or marriage of relatives up to the second degree. All external visits are subject to the supervision of the Juvenile Prosecutor's Office to verify their authenticity. As a result of the foregoing, the records show that there were only three-cases in which juveniles attempted to escape from various care homes in 2017 and 2018, compared with 12 cases annually prior to the adoption of the Ministerial Decision.

The legislature of the State of Kuwait issued Decree No. 401 of 2016 establishing the Supreme Council for Family Affairs. Its mandate included the establishment of child protection centres in all governorates, which are tasked with receiving complaints, providing treatment for child victims and their parents, maintaining records of all cases and providing a hotline.

#### **Paragraph 22**

This matter will be considered in due course.

#### **4. Concluding observations issued by the Committee on the Rights of the Child to the State of Kuwait concerning the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KWT/CO/1)**

##### **Paragraph 6**

The State's efforts to collect the requisite data have included the establishment of a database. Annex 18 contains figures showing the number of children, disaggregated by sex, gender and nationality, in June 2017. Annex 19 provides statistics on minor and more serious offences committed by juveniles, disaggregated by type of offence, age and nationality. Data are also provided on offences committed in terms of general offence categories.

##### **Paragraph 8**

The State of Kuwait has endeavoured to promote the rights of children and young people at the national level and has ratified many relevant international instruments, in particular the following:

- The ILO Minimum Age Convention, 1973 (No. 138);
- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which was ratified by Act No. 5 of 27 March 2006.

The national legal provisions governing child protection include the following:

Article 10 of the Kuwaiti Constitution, which establishes the State's responsibility for children, stipulates that: "The State shall guarantee the welfare of young people and protect them from exploitation and from moral, physical and spiritual neglect."

Articles 179 and 183 of Criminal Code No. 16 of 1960 criminalize the abduction of a person under the age of 18 years with or without force, threats or subterfuge. More severe penalties are prescribed if the purpose of the abduction is to kill, injure or sexually abuse the victim, to compel the abductee to engage in prostitution, or to extort something from the abductee or another person. Articles 187 and 192 of the Code prescribe harsh penalties for crimes of child sexual abuse and exploitation. Article 200 of the Criminal Code prohibits acts of incitement to debauchery and fornication and prescribes harsher penalties if the victim is a child.

Many general provisions of the Code prohibit and criminalize the following acts: homicide, infliction of injuries, beating, abuse and endangerment (articles 149-173 of Criminal Code No. 16 of 1960).

Act No. 91 of 2013 on combating trafficking in persons prescribes deterrent penalties for anyone who is seduced to commit such acts, and the penalty can be increased to life imprisonment if the victims are children.

Article 8 of Act No. 63 of 2015 promulgating the Cybercrime Act prescribes deterrent penalties for anyone who creates a website, publishes information on the Internet or uses any other kind of information technology for trafficking in human beings or facilitating such acts.

As the Kuwaiti legislature accords top priority to the best interests of the child, corporal punishment within the family is criminalized if it goes beyond mere discipline, in accordance with article 6 (4) of Act No. 21 of 2015 on the rights of the child. Simple and harmless discipline is permissible, but article 71 of the Act prohibits all forms of psychological, physical and sexual abuse.

Several articles of Act No. 21 of 2015 criminalize acts that constitute a clear and explicit attack on a child. Article 76 stipulates that children are deemed to be at risk if they are exposed to any form of physical, psychological, emotional or sexual abuse or neglect, or if they are found to be in circumstances that threaten the safety of their upbringing in the cases specified in the article.

Article 87 prohibits the publication, display or circulation of any printed, audiovisual or electronic material aimed at arousing children's instincts or inducing them to behave in a manner that is incompatible with society's values, or that would encourage them to deviate from the right path. Perpetrators are liable to a maximum term of imprisonment of one year and/or a maximum fine of KD 5,000.

Article 88 stipulates that, without prejudice to any more severe penalty prescribed by another law, anyone who imports, exports, produces, prepares, exhibits, prints, promotes, obtains or transmits any pornographic materials involving children or related to the sexual exploitation of children, and anyone who uses computers, the Internet, information networks, animated drawings or any other means to prepare, store, process, display, print, disseminate or promote pornographic activities or materials involving the inducement or exploitation of children for prostitution and pornography or their defamation or sale shall be liable to a penalty of imprisonment for a term of no less than 2 years and not more than 3 years, and to a fine of not less than KD 10,000 and not more than KD 50,000. The same penalty is prescribed for anyone who uses the same means to induce children to engage in depravity or to exploit them for the purpose of committing an offence or engaging in illegal or indecent activities, even if the offence is not actually perpetrated.

Article 91 stipulates that, without prejudice to any more severe penalty prescribed by another law, anyone who subjects a child to any form of violence, psychological abuse, neglect, cruelty and exploitation shall be liable to a penalty of imprisonment and/or a fine.

Act No. 21 of 2015 on the rights of the child is currently being reviewed by the High Committee for the Protection of Children in order to ascertain whether any amendments are required by law to safeguard the largest possible number of children's rights and to prevent any acts that pose a threat to children.

We also wish to refer to our response to paragraph 8 in part 3 of the report.

### Paragraph 10

Advanced professional training for social workers, psychologists and personnel working with students is a cornerstone of action by the Ministry of Education aimed at keeping abreast of developments. They attend special courses or participate actively in special workshops and scientific conferences that are organized annually under the Ministry's programmes and plans by the Psychological and Social Services Department. In addition, social service monitors implement plans involving school training and awareness-raising programmes, in which the Parents and Teachers Council and the Kuwait Social Service Association participate. Furthermore, educational pamphlets are disseminated with a view to generating awareness. The foundations on which the State's educational curricula are based include Islamic values and principles that recommend mercy, tolerance, social cohesion and peaceful cooperation, and underscore the importance of the family and its role in child-raising, maintaining the dignity of the child and alerting children to safe ways of interacting with outsiders. The State plays an important role in this regard through educational institutions and personnel who communicate the concepts of tolerance, moderation and impartiality in their theses and discussions.

The State of Kuwait has hosted many conferences concerning children, including the fourth Arab Regional Conference on Child Protection against Violence. Such events involve exchanges of experience and lead to the development of effective practices aimed at preventing child abuse and responding to such abuse when it occurs. The main themes discussed at the meetings include: violence against children in institutions and workplaces; violence against children with disabilities; the impact of acts of violence against children; school bullying and peer violence; action to support children and protect them against violence; and best practices for prevention against violence. The meetings, conferences and competitions also endeavour to raise awareness of the dangers of violence against children, to alert the community to the importance of addressing the phenomenon, and to motivate students to express their opinions and to develop their artistic creativity. The conferences and meetings are attended by an elite group of researchers, academics, physicians, psychologists, social workers, law enforcement officials and international leaders. Their expertise is ultimately shared with all groups dealing with children at all levels of education.

With a view to disseminating the provisions of the Protocol, the State intends to facilitate the achievement of the desired goals. With that end in view, the existing curricula are being revised and reformulated in order to include the desired goals. Students learn from the curricula the values of tolerance, altruism, cultural interaction, virtue, love of others and human dignity, as well as the value of scholarship and the need to dispel myths and avoid deviant conduct.

We wish to draw your attention to the response to paragraph 8 in part 4, which describes the measures taken by the Ministry of Social Affairs and Labour to build the capacities of professionals involved in children's affairs.

### Paragraph 11

The establishment in 2014 of a shelter in the State of Kuwait to accommodate female migrant workers was a pioneering initiative in the region. The shelter was commended by representatives of diplomatic missions in Kuwait, and the services provided by the shelter also elicited positive reactions from delegations of international human rights organizations. The shelter accommodates female migrant workers who have faced difficult working conditions in terms of their legal or humanitarian situation or living conditions. The success of the shelter initiative for female migrant workers has motivated the Public Authority for Manpower to establish a new shelter for men based on the same principles. A site for the shelter has recently been identified and the necessary procedures are under way to obtain official approval for the launching of the project.

The shelter for female migrant workers currently accommodates 205 women (see the statistics in annex 20).

The shelter provides the following services:

1. Provision of five meals a day (breakfast, snack, lunch, snack, dinner);

2. Catering for women residents' special needs, such as personal needs;
3. Assistance in obtaining travel documents for residents from countries with no embassy in Kuwait;
4. Provision of legal and psychological assistance;
5. Assistance in transporting residents to the airport;
6. Support for access to health care.

With regard to professional development, the shelter held eight training courses and workshops for 22 staff members in 2016 and 2017, in cooperation with the International Organization for Migration (IMO), with a view to building the capacities of the shelter's staff (see annex 21).

#### **Paragraph 12**

The Operations Department of the Ministry of the Interior is tasked with receiving communications from the general public and taking the necessary measures, in coordination with the competent authorities. The 24-hour hotline (112) has been set up to receive communications. The Ministry of the Interior continues to organize annual training courses aimed at promoting a human rights culture among members of the police force in the various security services. The training programmes are designed by highly experienced and qualified professionals and implemented by instructors with high-level academic qualifications and vast experience. Specialist members of the police force participate in conferences, training courses and workshops outside the State of Kuwait to enhance their efficiency and promote human rights principles and concepts.

#### **Paragraph 14**

We wish to refer in this connection to the responses to recommendation 20 in part three of the report.

#### **Paragraph 16**

Act No. 91 of 2013 on combating trafficking in persons and smuggling of migrants was promulgated and a Division to Combat Crimes of Trafficking in Persons was established in the Department for the Protection of Public Morals pursuant to Ministerial Decision No. 5908 of 2014. The name of the Department has been changed. It is now called the Department for the Protection of Public Morals and the Combating of Trafficking in Persons.

A number of persons have been arrested in connection with cases involving such offences. The accused in one case was sentenced to a 15-year term of imprisonment, and a number of cases are pending before the Public Prosecution Service and the courts. However, no cases of child prostitution and child pornography have yet been recorded. It should be noted that the Anti-Human Trafficking Unit in the Ministry of the Interior is raising awareness of the seriousness of the phenomenon by means of the following procedures:

1. Publication of a booklet containing guidelines on Act No. 91 of 2013;
2. Organization of workshops in cooperation with IOM and civil society organizations on how to deal with victims of trafficking in persons;
3. Organization of awareness-raising campaigns in large-scale markets and shopping malls to publicize Act No. 91 of 2013;
4. Dedication of sections of State ministry websites to information concerning the Act on combating trafficking;
5. Organization of lectures in universities and secondary schools.

#### **Paragraph 18**

We wish to refer in this connection to our response to paragraph 8 of part 5.



**Paragraph 20**

We wish to refer in this connection to our response to paragraph 16 in part 4 of the report.

**Paragraph 21**

We wish to refer in this connection to our response to paragraph 18 in part 4 of the report.

**Paragraph 22**

The State has no reservations regarding violence. However, it entered a reservation to article 3 (5) of the Optional Protocol concerning measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments. We wish to refer to our response concerning article 21 of the Convention on the Rights of the Child, namely that the content of the article is incompatible with the Kuwaiti Personal Status Law and the provisions of Islamic Sharia, which do not permit adoption. Accordingly, the reservation cannot be withdrawn.

With regard to the conformity of the State's legislation with article 5 of the Optional Protocol, we wish to refer to the State's response to paragraph 8 in part 5 of the report.

**Paragraph 24**

Article 185 of Criminal Code No. 16 of 1960 stipulates that: "Anyone who brings a person into or out of Kuwait with a view to selling that person as a slave, and anyone who buys, offers to sell, or makes a gift of a person as a slave shall be liable to a maximum term of imprisonment of 5 years and/or a maximum fine of KD 5,000."

Article 2 of Act No. 91 of 2013 on combating trafficking in persons and smuggling of migrants stipulates that: "Anyone who commits the offence of trafficking in persons as defined in article 1 of this Act shall be liable to a term of imprisonment of 15 years. The penalty shall be life imprisonment if the crime is associated with one of the following circumstances: [...] if the victim is a child, a female, or a person with special needs [...]."

Article 3 of the Act stipulates that: "Anyone who smuggles migrants [...] shall be liable to a maximum term of imprisonment of 10 years and to a fine of not less than KD 3,000 and not more than KD 10,000 [...]."

Article 21 of the Domestic Workers Act No. 68 of 2015 stipulates that: "It is prohibited to bring into the country or employ persons under 21 years of age and over 60 years of age [...]."

The Act prohibits the employment of persons under 15 years of age and authorizes juveniles between 15 and 18 years of age to work under conditions specified by article 20 of the Private Sector Employment Act No. 6 of 2010, which stipulates that: "The employment of juveniles between 15 and 18 years of age shall be permissible with the Ministry's authorization on the following conditions:

- (a) They shall be employed in industries and occupations that are not hazardous or harmful to health, and a decision shall be taken thereon by the Minister;
- (b) They shall undergo a medical examination prior to their employment and thereafter at regular intervals that shall not exceed six months. The Minister shall issue a decision specifying the industries and occupations, and the procedures and deadlines for the periodic medical examination."

Decision No. 839 of 2015 contains several provisions regulating the employment of juveniles between 15 and 18 years of age (the Decision is annexed hereto).

Although the Public Authority for Manpower has not registered the issuance of any juvenile work permits or recorded any infringements in this regard, juvenile employment is regulated by the provisions of the Private Sector Employment Act No. 6 of 2010.

The number of working hours for juveniles is regulated by article 21 of the Private Sector Employment Act No. 6 of 2010, which stipulates that: “The maximum number of working hours shall be six hours per day, provided that they are not required to work for more than four consecutive hours, and that this is followed by a rest period of at least one hour. Juveniles shall not be required to work for additional hours, on weekends, on official holidays or between 7 p.m. and 6 a.m.”

#### **Paragraph 26**

The Juveniles Act No. 111 of 2015 contains guarantees of reconciliation by ensuring that juveniles’ testimony is heard, that a lawyer is appointed to defend them, that the hearings are public and that the proceedings are instituted by an independent judicial authority, the Juvenile Prosecutor’s Office. Furthermore, the proceedings must be attended by two social workers, one of whom must be a woman. These guarantees are contained in articles 33, 37, 38, 40, 41, 43 and 67 of the Act.

The State’s measures have been described in the response to paragraph 77 in part 3.

The Minister of the Interior issued Ministerial Decision No. 145 of 1983 establishing the Juvenile Police Department, which is tasked with preventing and combating juvenile crime, conducting research and investigations, collecting and verifying evidence, implementing judgments and decisions, and safeguarding social welfare institutions.

Article 1 of Decree No. 645 of 2015 issued by the Ministry of the Interior establishes a Child Protection Office in the Juvenile Protection Department to receive communications and oversee cases sent to all hospitals in the country.

The Social Research and Awareness-Raising Division of the Juvenile Protection Department spreads a legal, social and moral culture among students through regular awareness-raising lectures and exhibitions, in partnership with the Ministry of Education.

Following the enactment of legislation concerning juveniles at the end of the twentieth century, the legislation was reviewed in light of the protective regulations that must be implemented by the State in accordance with modern educational principles so that children are capable of integrating properly into society and contributing to its advancement. The legislation concerning juveniles was amended and Juveniles Act No. 111 was promulgated in December 2015 and implemented on 31 December 2016.

#### **Paragraph 28**

Juveniles Act No. 111 of 2015 provides for measures, policies and programmes to ensure the protection of children who are vulnerable to crime. Article 1 of the Act addresses the issue by specifying the authorities responsible for juveniles and their fields of competence with a view to establishing a comprehensive system aimed at providing adequate protection for the child. The authorities in question are:

- The Juvenile Court;
- The Juvenile Prosecutor’s Office;
- The Juvenile Protection Police.

There are also social welfare institutions for juveniles, including a reception centre, an observation facility, correctional facilities, an accommodation centre, a placement centre, offices for social monitoring and follow-up care, a social and psychological welfare office, a conduct monitor and a Juvenile Welfare Committee.

#### **Paragraph 30**

Hotline 147, which is run by the Child Protection Office of the Ministry of Health, was established to receive all complaints concerning cases in which children are exposed to danger.

Hotline 112 receives complaints around the clock and provides support and assistance through contacts and coordination with the competent authorities.

**Paragraph 32**

We wish to draw attention to an inaccuracy in the decision referred to. It was in fact Ministerial Decision No. 152 of 2004 issued by the Ministry of Social Affairs and Labour, which prohibits the use of children in camel racing. It was updated by Administrative Decision No. 839 of 2015, article 16 of which prohibits the participation of juveniles under the age of 18 years in camel racing or similar events that are organized or supervised by the Public Authority for Youth and Sports or any other authority.

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