



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fourth session

Summary record of the 1819th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 September 2013, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties *(continued)*

Second periodic report of Kuwait on the implementation of the Convention on the Rights of the Child (CRC/C/KWT/2, CRC/C/KWT/Q/2 and Add.2)

1. *At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.*
2. **Mr. Razzooqi** (Kuwait) said that Kuwait was eager to improve children's exercise of their rights, within the legislative and executive realms, and at the national and regional levels. It had formed, in 2008, the Higher Committee for Human Rights, made up of representatives of various ministries, as well as experts and academics; it had established the Higher Supreme Council for Family and Children's Affairs, with a mandate to review family legislation; and in 2010 had set up the central office for persons in an irregular situation, which would review the status of such persons.
3. Much had been done to improve prenatal care, resulting in lower infant mortality rates, and measures were being taken to ensure equal access to health care in the private and public sectors. Kindergartens had also been opened throughout the country.
4. Kuwaiti law considered children in conflict with the law to be victims of their social situations. It guaranteed a regular, equitable process and established procedures for psychological rehabilitation and social reintegration. When detention was necessary, children were placed in institutions administered by the Ministry of Social Affairs and Labour.
5. The Criminal Code provided heavy sanctions against any person who mistreated a child.
6. Kuwaiti law prohibited children under age 15 to work, and children between the ages of 15 and 18 to engage in work that was dangerous or potentially harmful to their health.
7. Kuwait had acceded to the Convention on the Rights of Persons with Disabilities in 2013 and had integrated its provisions in the domestic legal order.
8. In 2010, the Central Agency for Persons in Irregular Situations had devised a legal and humanitarian programme aimed at regularizing the status of such persons. In 2011, it had enacted a law providing health care, free education, disability care, birth certificates and driving licences to persons in irregular situations.
9. Several draft legislative texts on children, in particular a draft comprehensive law on the rights of the child, were under consideration.
10. **Mr. Gastaud** (Coordinator, Country Task Force) said that in the State party's legislative hierarchy the Convention seemed to occupy a position below that of Islamic law, which hindered its full implementation. He would like to know if Kuwait intended to withdraw the reservations it had entered to articles 7 and 21 upon its ratification of the Convention.
11. Little had been done to publicize the Convention in Kuwait, so that children were unfamiliar with it. Had the Convention been invoked before the courts or served as the basis for judicial decisions? It would also be useful to know whether children and civil society had been consulted for the preparation of the report.
12. Lastly, he would like to know when the draft comprehensive law on the rights of the child would be adopted, when it would enter into force and whether all its provisions adhered to the terms of the Convention. According to information available to the

Committee, only the practice of Islam was allowed and other forms of worship were prohibited. Additional information on that matter would be useful.

13. **Mr. Madi** (Country Task Force) said that the draft comprehensive bill on the rights of the child envisaged the establishment of a supreme council for regulating, monitoring and evaluating implementation of the Convention. In that regard, did the State party intend to draw up a national plan or strategy for the protection and promotion of children's rights?

14. He would also be grateful for clarifications on the definition of the child in Kuwaiti law and to learn whether the Government planned to bring all child-related laws, most of which had been adopted before its ratification of the Convention, into conformity therewith.

15. Moreover, he would like to know whether Bedouin children would in future be permitted to obtain birth certificates, and what was being done to grant Kuwaiti nationality to them as well as to children of unknown father or parentage so as to prevent statelessness.

16. **Ms. Muhamad Shariff** (Country Task Force) asked whether a special budget was devoted to the implementation of children's rights and whether measures were taken to improve the collection of data on children in all areas covered by the Convention. It was important to create a special institution responsible for gathering data about children and for monitoring the situation of children, in particular the most vulnerable ones. Data on violence against children was sorely lacking. The State party's report made no mention of a telephone hotline for child victims of violence, nor of any relevant rehabilitation measures.

17. Violence in school, including corporal punishment inflicted by teachers, was apparently increasing throughout the country. Corporal punishment was permitted in the home and in alternative care facilities. Under article 26 of the Criminal Code of 1960, violent acts committed by a person authorized by law to discipline a child did not constitute an offence. It was essential to know whether the State party was considering an explicit ban on all forms of corporal punishment under all circumstances and what measures it was taking against physical and psychological violence among schoolchildren.

18. It would also be useful to know if the State party intended to criminalize marital rape, whether there were statistics available on the rape of foreign domestic helpers, especially by their employers, and whether there were any support services for women. The delegation might also indicate the fate of children born as a result of rape.

19. No law explicitly criminalized family violence, which went mostly unreported for fear of social stigmatization. The police rarely arrested the perpetrators, and cases brought before the courts seldom led to convictions or heavy sentences. Were there any data on family violence? Had any initiatives been taken to combat it, such as awareness-raising for judges and social workers?

20. She would like to know what the State party was doing to abolish the forced marriage of girls under the age of 15, a practice that persisted in certain tribal groups, and to establish 18 as the minimum age for marriage, and whether the State party planned to amend or repeal the article of the Criminal Code that authorized a man to marry a girl he had kidnapped. She was disturbed that the Criminal Code provided such light sentences for "honour crimes".

21. **Mr. Cardona Llorens** (Country Task Force) asked how the best interests of the child were determined and evaluated, particularly in custody rulings in the event of separation or divorce of the parents, and in criminal proceedings, especially when an adult with children was about to be sentenced to long imprisonment or death. He would like to know whether the State party enjoyed procedural guarantees such as those advocated in the Committee's general comment No. 14, on the right of the child to have his or her best interests taken as a primary consideration, and, if not, whether it had contemplated amending its laws to provide such guarantees.

22. It would be useful to learn whether children participated in decisions affecting them, both at school and in court; if their consent was sought prior to any surgical procedure and, if so, starting at what age; and whether they enjoyed freedom of speech. It would also be useful to know whether the State party had established a children's Parliament and whether measures had been taken to care for and to compensate children with health problems resulting from pollution caused by the activities of the petrochemical industry.

23. **Mr. Razzooqi** (Kuwait) said that the situation of the Bedouins and persons in an irregular situation did not fall within the scope of the conventions on statelessness.

24. **Mr. Alsalimi** (Kuwait) said that the domestic laws, which defined a child as any person under the age of 18, were fully in conformity with article 1 of the Convention. The fact that other laws set a different age limit, such as the minimum age for marriage or the age of criminal responsibility, did not controvert the definition of the child. For marriage, as for all matters related to family legislation, sharia was the principal source of law, stipulating that girls could marry at the age of 15 and boys at 17.

25. **Mr. Madi** said that, according to reliable sources, younger children sometimes married, even as early as the age of puberty.

26. **Mr. Alsalimi** (Kuwait) explained that it was not legally possible for girls under 15 and boys under 17 to marry.

27. **Mr. Alharbi** (Kuwait) said that the Convention was taught in schools and that a text reflecting its principles would soon be published.

28. **Mr. Kotrane** said that the Committee was greatly troubled by the general reservation on all provisions of the Convention that were incompatible with the laws of Islamic sharia and the local statutes in effect, entered by the State party when ratifying the Convention. Many countries that applied sharia law had withdrawn their reservations to article 21 on the ground that it recognized alternative means of childcare, including the *kafalah* of Islamic law. He invited the Government of Kuwait to do the same.

29. **Ms. Aidoo** recalled that the articles of the Convention must be read together and that by acceding thereto the State party accepted the definition of the child enshrined in article 1 and must, therefore, ensure that its legislation was in conformity with that definition. In her view, a 15-year-old girl had not yet attained the full development of her potential and should not be allowed to marry.

30. **Mr. Razzooqi** (Kuwait) said that he would communicate to his Government the Committee's concerns with respect to the reservation to article 21. As for the declaration on article 7, he pointed out that questions related to the acquisition of nationality were matters of sovereignty and might even affect national security. Kuwaiti nationality was much sought after because of the benefits enjoyed by nationals, such as free education and health care.

31. **Mr. Kotrane** said that Kuwait's withdrawal of its declaration on article 7 would in no way oblige it to grant nationality to anyone who wished it. The Committee simply asked that either parent should be able to transmit nationality to a child without discrimination.

32. **Mr. Mezmur** said that, according to reliable sources, and despite recommendations from the Central Agency for Persons in Irregular Situations, the Ministry of Health and the Ministry of Justice had not yet issued birth certificates to the children born of a Kuwaiti father married to a Bedouin woman, who had submitted an application. In his view, however, the withdrawal of the reservation might not necessarily resolve the problem.

33. **Ms. Alnaser** (Kuwait) said that the sources were mistaken; the authorities had always issued birth certificates to Bedouin children. For administrative reasons, since the parents had ticked the box "non-Kuwaiti" on the relevant form, the documents had not been

issued; the situation had subsequently been remedied. Since 2010, 140 birth certificates had been issued to Bedouin children under the circumstances described by Mr. Mezmur, and 500 more would be issued shortly.

34. **Ms. Alshaigy** (Kuwait) said that the comprehensive bill on the rights of the child provided for the adoption of a decree establishing a supreme council on children, the membership comprising representatives of governmental and non-governmental institutions working in that area. The council would be asked to carry out in-depth evaluations of all aspects of the situation of children, with a view to helping the Government plan its child-related activities. That council would report to the Council of Ministers on the results of its work.

35. **Mr. Alsalimi** (Kuwait) said that the bill, prepared with the assistance of the Directorate of Fatwas and Legislation, and of the Ministries of Justice, Education, Health, and Social Affairs and Labour, had been submitted to the Council of Ministers. Once adopted by the Council, it would pass to the National Assembly for consideration by the Parliamentary Committee on Social Affairs, a process in which civil society organizations and the competent governmental bodies would take part.

36. **Ms. Adelrahman** said that the Ministry of Justice and the Academy of Legal Studies conducted human rights workshops for all concerned professionals, including judges and prosecutors.

37. **Mr. Alsalimi** (Kuwait) said that each ministry allocated a part of its budget to children.

38. **Mr. Alfadeli** (Kuwait) said that the Ministry of Social Affairs and Labour allocated a portion of its budget to social benefits for families, programmes related to children, and training workshops on topics such as parenthood.

39. **Ms. Altarkit** (Kuwait) said that a portion of the health budget was targeted at improving paediatric care. A Directorate of School Health and School Clinics had been established. The five hospitals slated for construction would have wings reserved for children.

40. **Ms. Muhamad Shariff** asked what recourse was available to a mother who had custody of her children, in the event that maintenance was unpaid. She also wished to know whether foreign families could serve as foster families and whether there were plans to review the system that prevented adopted children from inheriting from, or bearing the surname of, their adopted families. She would also like to know if all children, whether Kuwaiti or foreign, had access to specialized medical care in other countries. She was distressed by the lack of data in a number of areas, including adolescent health; the use of drugs, tobacco and alcohol; and HIV/AIDS and suicide. She would like to know whether awareness-raising activities were carried out for young people, parents and teachers, and whether children could visit health clinics on a confidential basis. Disturbed by the fact that many women without mental illnesses were committed at their families' request, she enquired whether the authorities had contemplated adopting regulations on the care of mentally ill persons.

41. **Mr. Cardona Llorens**, praising the State party for its recently adopted law on disabled children, asked why it had not been implemented. He would like to know more about measures taken to eradicate social stereotyping and the consideration given to inclusive education. While welcoming the adoption of numerous social measures, he would like to know whether foreign children, especially those in irregular situations, had access to existing services and benefits.

42. He noted with concern that the age of criminal responsibility was still 7; the delegation might provide clarifications on prison sentences for children aged 15 to 18, their

conditions of detention, the number of juvenile courts, and protection measures applied to child victims or witnesses. With reference to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, he asked whether such children were treated as victims or offenders. In addition, he would like to know whether the State party had contemplated the withdrawal of its reservation to article 3, paragraph 5 of the Optional Protocol and the elimination of double jeopardy.

43. **Mr. Gastaud** noting with satisfaction that education was free, nevertheless sought clarifications on school programmes, which did not appear to conform to international standards. He would like to know if it was true that girls who married under the age of 18 were not permitted to attend school in the daytime. Was it true that the exercise of the right to play was solely collective? If so, were texts and images for children deemed suitable by facilitators and professionals censured?

44. **Mr. Madi** asked for clarifications on the age of employment for foreign children and for children employed by private security companies. He would like to know what measures had been taken to discourage foreign students from dropping out of school, and to combat the phenomenon of street children. He also wondered whether the State party had considered launching a programme to protect asylum seekers' right to education and to health.

45. Further, he would like to know whether mechanisms had been created to locate and care for children who had been involved in armed conflicts, and child soldiers, and whether border agents and police were trained accordingly. Lastly, had the State party considered ratifying the Rome Statute of the International Criminal Court?

The meeting rose at 6 p.m.