



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Ninetieth session

9–27 May 2022

Consideration of reports of States parties

### Replies of Kuwait to the list of issues in relation to its combined third to sixth reports\*

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\* The present document is being issued without formal editing.



## **I. Part I**

### **A. Reply to paragraph 1**

#### **A.**

1. Since it ratified the Convention on the Rights of the Child, Kuwait has been working to harmonize and amend domestic legislation to bring it into line with the Convention and its Optional Protocols. The purpose of that legislation is to achieve the best interests of children and to ensure that they can grow in a healthy environment. Some of the measures taken are listed below.

2. Article 1 of Act No. 1 of 2017 introduced an amendment into Juveniles Act No. 111 of 2015 whereby the definition of a juvenile, previously set as a person under the age of 16, was raised to signify “any person under the age of 18”.

3. Juvenile delinquents are defined as anyone over the age of 7 and under the age of 18 who perpetrates an action that is penalized under the law. The amendment also envisages two situations where children might be at risk of falling into delinquency:

- (a) If the child habitually evades from home, school or place of learning;
- (b) If the child has no breadwinner.

4. The Ministry of Information enforces article 4 of Ministerial Decree No. 31 of 2016 regarding film censorship. Under that provision, an artistic assessment is conducted on all motion pictures to determine the age of the viewing public permitted to enter the theatre. The Decree also envisages appropriate standards for authorizing or banning the screening of films.

5. Family Court Act No. 12 of 2015 envisages the creation of family courts and centres for children in care, the purpose being to ensure the safety and well-being of children whose parents have divorced. In 2016, the Ministry of Justice issued a decree to regulate facilities for children in care. These provisions are consistent with article 9 of the Convention.

6. Family Care Act No. 82 of 1977 was reviewed and reissued as Family Care Act No. 80 of 2015 in order to bring it into line with the Convention. For the purposes of its implementation, the Act contains the following definition of a child: “A person born in Kuwait to unknown parents or to an unknown father and a Kuwaiti mother, or a person of similar status as determined by the Family Care Committee. Persons whose descent from their father cannot be legally established are considered to be of unknown father.”

7. Family care consists in a family taking a child or children from a children’s home run by the Ministry of Social Affairs with a view to providing the infant or infants with shelter and care. It is understood that the foster family will not receive a payment from the State for the care it provides, unless the Family Care Committee approves a child support payment.

8. A monthly sum is allocated for children in care homes and institutions, which is put aside until they come of age. The amount of the sum and the relevant rules are set by decree of the Minister of Social Affairs.

9. Anti-Domestic Violence Act No. 16 of 2020 includes provisions intended to provide children with greater protection against all forms of abuse and to ensure that those responsible for abuse are held to account, and it envisages safeguards to protect victims of violence. Shelters have been set up to provide victims of domestic violence with a place of refuge, with family counselling and with psychosocial guidance. Rehabilitation is available for both perpetrators and victims, while the latter also receive legal assistance.

#### **B.**

10. Kuwait has duly factored the rights of the child into all its development plans and policies, which protect the best interests of children and their right to education, health, expression and protection against all forms of violence. As part of development policies, a project had been drafted to improve health services for schoolchildren and to open a new maternity hospital and a new hospital for premature children. Average life expectancy at birth

has been rising steadily while the infant mortality rate, at 7 per 1,000 live births, is among the lowest in the world. The under-5 mortality rate stands at 9 per 1,000 live births.

**C.**

11. The Supreme Council for Family Affairs formed a high-level committee with the task of coordinating with the competent authorities to draft a report on Children's Rights Act No. 21 of 2015. The report – which reviews steps taken, goals achieved and challenges and difficulties faced by the authorities – is to be submitted to the Council of Ministers. However, due to the coronavirus disease (COVID-19) pandemic, the team was forced temporarily to suspend its activities after completing the first (information-gathering) stage. Strategies for women and children are being developed in coordination with the secretariat of the Supreme Council for Planning and Development and the Arab Planning Institute.

**B. Reply to paragraph 2**

**A.**

12. With the beginning of the COVID-19 pandemic in early March 2020, teaching programmes were disrupted in both State-run and private schools, universities and colleges, in military academies and in institutes run by the Ministry of Endowments and Islamic Affairs. The curriculum was suspended and the remaining modules were integrated into the following year. From October 2020, teaching resumed in the form of distance learning for all levels of normal and higher education (both State-run and private).

13. A campaign to vaccinate students against COVID-19 has been rolled out to cover all age groups, progressively.

14. Decree No. 14/A of 2021 envisages the reopening of kindergartens as part of a progressive return to normal life, while adhering to the sanitary norms adopted by the Ministry of Health in its well-being guide for students and staff.

15. The children's rights committee in the National Bureau for Human Rights held a virtual online discussion under the title: "The COVID-19 pandemic and its impact on children's rights", which addressed a number of questions about children, their rights and the effects of the pandemic. In addition, a virtual lesson for children of both sexes between 6 and 12 was organized online to see to what extent they were willing to accept distance learning. They were asked questions about COVID-19 to determine how much information they possessed about the virus and about ways to combat it.

16. The Child Protection Office has been taking the following measures to protect children during the COVID-19 pandemic:

- Reports of ill-treatment and neglect of children continue to be received via the 147 hotline;
- Children are referred to child protection teams for evaluation, for medical treatment and, if the case so requires, for emergency intervention;
- The teams place children in isolation to perform a COVID-19 test and, in the case of a negative result, transfer them to another wing;
- In other cases, children are evaluated through an online clinical questionnaire;
- Psychological counselling and guidance services have been made available for children and their families during the pandemic, via the 147 hotline.

**B.**

17. The Ministry of Social Affairs provides assistance to Kuwaiti individuals and families who are experiencing financial circumstances that prevent them from attaining a minimum standard of living. Such assistance is provided in accordance with Public Assistance Act No. 12 of 2011 and Decree No. 23 of 2013, which concerns entitlement to and evaluation of public assistance. This is one of the social security mechanisms whereby individuals and

families are guaranteed a monthly income to help meet their basic needs, until they get an income of their own or until the conditions that justify such entitlement no longer subsist. The State also allocates a budget to users of social care homes (family care homes, homes for persons with disabilities and homes for juveniles).

18. A total of 13,327 students who are unlawful residents are cared for by the Charitable Fund for Education run by the Ministry of Education, at a cost of 4,783,024 Kuwaiti dinars (KD).

**C.**

19. Each institution of State is responsible for gathering data relative to its particular mandate; for example, the Ministry of Education, the Ministry of Health, the Ministry of Social Affairs and Community Development and the Supreme Council for Family Affairs. They work with the Central Statistical Bureau to develop a unified data-gathering mechanism for children that is compatible with the rules of all the institutions involved.

**C. Reply to paragraph 3**

**A.**

20. The Ministry of Social Affairs has set up a team to raise awareness about children's law. The team organized a seminar to introduce the law, explain the obligations it entails, describe the State's achievements in that regard and make proposals for the more effective implementation of the law, in cooperation with the Ministry of Education and the Ministry of the Interior (Community Police Department). For their part, community development centres of the Ministry of Social Affairs organize activities on the topic of domestic violence and have run a campaign under the title: "Schools without violence". In addition to this, there are lectures, debates and workshops on children's rights and the relevant laws and treaties. Details about awareness-raising activities and programmes are to be found in annex 1.

21. The Child Protection Office in the Ministry of Health has organized around 60 training courses for 1,500 participants, all specialists in different fields, as a basic foundation for professionals who deal with cases of child abuse. General and specialized courses are held for medical professionals, social workers, psychologists and law enforcement officials. In addition, there are multidisciplinary courses on how to deal with cases of abuse and neglect against children. The purpose of the training is to build capacity among professionals in different areas and to increase their knowledge and skills in the field. Details about the target groups for the training activities are to be found in annex 2.

**B.**

22. The State of Kuwait is firmly convinced of the important role played by civil society institutions and the importance of involving them in policies, plans and programmes:

(a) The Supreme Council for Family Affairs has six experienced and competent members who represent civil society institutions;

(b) Civil society institutions hold consultative meetings with the national mechanism responsible for drafting the human rights reports of Kuwait, including the report under the Convention on the Rights of the Child;

(c) A proposal by a civil society organization to organize a competition under the title "Brother orphan" has been implemented and extended to other Arab countries. It is intended to support orphans who are outstanding in arts, culture or sport, and their guardians.

(d) The Family Care Committee was brought into being under Act No. 80 of 2015 as part of the Family Care Department of the Ministry of Social Affairs. The membership of the Committee includes representatives from governmental bodies, from public welfare groups active in the field of child and family support, and from foster families.

#### **D. Reply to paragraph 4**

##### **A.**

23. Personal status issues such as marriage, divorce and guardianship are governed by Islamic sharia which, in accordance with article 2 of the Constitution, is the main source of legislation. The article stipulates: “The religion of the State is Islam and Islamic sharia is a major source of legislation.” In the explanatory note to this article, it is indicated that article 2 does not merely stipulate that the religion of the State is Islam, but also that Islamic sharia – in the sense of Islamic jurisprudence – is a major source of legislation. According to articles 8–12 of Personal Status Act No. 51 of 1984, the stipulation of a contract of marriage requires the consent of the wife’s guardian and the acceptance of the husband.

24. The Personal Status Act makes mechanisms available to the wife to enable her to verify the man’s suitability and appropriate marriage age. Under article 34 of the Act, the validity of a marriage is conditional on the man’s compatibility with the woman at the moment of the conclusion of the marriage contract, and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36 of the Act, age commensurability between the spouses is regarded as an exclusive right of the wife. In addition, Kuwaiti legislators have recently imposed a requirement for marriage candidates to undergo a medical test to ensure that neither of them has any physical or psychological condition that would constitute an impediment to the union. This takes place under Act No. 31 of 2008 on premarital medical examinations for persons wishing to marry in the State of Kuwait.

25. It is a condition of law that a woman should consent to the marriage contract. This is set forth in articles 29 and 30 of the Personal Status Act No. 51 of 1984, which state that, in the case of the marriage of a young woman, both the guardian and the woman involved must express their consent. If the party to the marriage was married before or is over the age of 25, the decision is hers although she does not conclude the contract directly but through her guardian.

##### **B.**

26. Discrimination is prohibited under article 29 of the Constitution of Kuwait, which stipulates: “All people have equal human dignity and are equal before the law in public rights and duties, and there is no discrimination on the basis of gender, origin, language or religion.” Thus, there are firm rules and a solid framework to uphold equality, non-discrimination and the promotion of human dignity.

##### **C.**

27. Kuwait remains fully committed to ensuring that all persons are given the opportunity for the highest possible educational attainment, a commitment enshrined in the “Kuwait Vision 2035” and inspired by a firmly held belief in the critical importance of education as a mainstay of human development and a fundamental human right. For that reason, the State offers free education for everyone from kindergarten to university, while primary and middle school are compulsory. Education is also an important segment of the annual national budget.

28. For a nominal fee, Kuwait provides health services to migrants and residents alike. This includes vaccinations for children, which are administered free of charge.

##### **D.**

29. All the provisions of the Personal Status Act are derived from Islamic sharia, which is a major source of legislation, as per article 2 of the Constitution of Kuwait: “The religion of the State is Islam and Islamic sharia is a major source of legislation.” This wording gives the text an essentially Islamic character but without excluding the possibility of drawing provisions from other sources in matters that have not been codified by Islamic jurisprudence or from developing fresh provisions as new needs arise naturally over the course of time. For example, the text does allow for the introduction of new criminal laws, notwithstanding the limits that exist in Islamic sharia. Kuwaiti legislators must therefore abide by the provisions

of sharia, but they can introduce legislation from other sources when dealing with matters that have not been codified by Islamic jurisprudence.

## **E. Reply to paragraph 5**

### **A.**

30. Kuwait accords great importance to the welfare of children, in accordance with article 10 of the Constitution, which stipulates: “The State shall ensure the welfare of young people and protect them from exploitation and from moral, physical and spiritual neglect.”

31. National legislation reflects this concern for the best interests of children, who are afforded special protection under Children’s Rights Act No. 21 of 2015, which contains 97 articles and defines a child (in art. 1) as “anyone under the age of 18”.

32. The Children’s Rights Act guarantees children’s fundamental rights (arts. 3 to 6) and, in the last subparagraph of article 3, explicitly codifies the priority of the child’s best interests: “The protection and interests of the child are to be accorded priority in all decisions and measures affecting children, irrespective of who issues or enforces them.”

33. Articles 7 to 29 of the Act stipulate that children are to be provided with integrated health care and prohibit all conditions that might pose a threat to a child’s health and development. Articles 30 to 37 highlight the need to provide children with comprehensive social care.

34. Articles 38 to 42 uphold the constitutionally guaranteed right of children to an education and to develop their abilities and gifts in preparation for a responsible life in a unified civil society founded on an awareness of rights and a commitment to duties.

35. Articles 57 to 64 envisage protection for children with disabilities, to whom the State is required to provide habilitation services and assistive devices free of charge.

36. Chapter VIII of the Act, which concerns the protection of children from crime, contains legal definitions for neglect, physical abuse, psychological (emotional) abuse and sexual abuse. It also includes provision for the services of psychologists, social workers and psychiatrists and for the establishment of a child protection team.

37. Articles 72 to 75 identify optimal ways to protect children from traffic hazards and to ensure their greatest degree of safety. Article 76 includes provision for a number of mechanisms to prevent children from being exposed to danger, while article 77 envisages the creation of child protection centres in all governorates, under the supervision of the Supreme Council for Family Affairs. Each centre is to be staffed by psychologists, social workers, doctors and legal experts. Chapter IX of the Act (arts. 80 to 94), which concerns criminal proceedings against persons responsible for harming children, sets forth the penalties for all violations or failures to abide by the Act.

38. The best interests of the child are taken into account in judicial proceedings involving mothers and, if a death sentence is handed down, article 59 of the Criminal Code (Act No. 16 of 1960) stipulates: “If it emerges that a woman sentenced to death is pregnant and if she gives birth to a live infant, the death sentence is to be commuted to life imprisonment.” Moreover, according to article 218 of the Code of Criminal Procedure (Act No. 17 of 1960): “If it is shown that a woman sentenced to death is pregnant and if she gives birth to a live infant, the death sentence shall be suspended and referred to the court that handed down the sentence so that it can be commuted to a term of life imprisonment.”

39. As concerns juvenile justice, Act No. 111 of 2015 promulgating the Juveniles Act, as amended, includes a number of safeguards for juvenile offenders. According to article 13, in the case of linked multiple offences, juveniles may be penalized only for one offence, which is treated as a single crime to which a single provision applies. For its part, article 14 decrees that precautionary measures are to end when the party concerned reaches the age of 21. Article 15 states that juveniles may not face the death penalty or life imprisonment, or be ordered to pay a fine. Under article 16, juvenile courts have the right to take the measures envisaged in the Act in the case of offences other than those that attract the death penalty or

life imprisonment. Lastly, according to articles 23 and 24, the Juvenile Prosecution Office has the right to issue a warning to parties responsible for the care of juveniles if they fail to fulfil their responsibilities. The office for psychosocial services organizes sittings for the juvenile the duration of which is to be established by the court and attendance at which is mandatory.

40. In order to strengthen safeguards for juveniles, article 33 of the Act envisages the creation of a juvenile court as part of the court of first instance. The juvenile court is to be composed of a judge of at least the rank of a judge of the court of first instance, assisted by two other judges. In addition, there are to be two social workers, at least one of them a woman, whose presence during the trial proceedings is mandatory. The social workers are to examine all aspects of the situation of the juvenile concerned and to submit a report to the court. The confidentiality of trials involving juveniles is set down in article 37 of the Act according to which juvenile courts are to sit in facilities separate from those in which other trials are conducted. The court also has the right to hold its sittings in a social care institution for juveniles.

41. Article 40 of the Act also underscores the fact that trials involving juveniles are to be conducted in camera and only the parties directly involved may attend. The right to appoint a lawyer to defend a juvenile during the investigation and the trial is enshrined in article 41 and, if a lawyer has not been appointed, the prosecutors or the court must appoint one on the juvenile's behalf. As a way of providing juveniles with a stable life once they attain their majority, article 43 states that sentences handed down by the juvenile court are not to appear in a criminal record. Furthermore, under Juveniles Act No. 111 of 2015, sentences handed down by the juvenile court are open to appeal.

42. Legislators have also taken action to protect family unity and stability against all acts of violence. In that connection, article 2 (1) of Anti-Domestic Violence Act No. 16 of 2020 defines domestic violence as follows: "Any form of physical, psychological, sexual or financial treatment – be it by act or by omission or by threat thereof – committed by one family member against another member or members, exceeding the bounds of their legal responsibility, as per the acts and offences envisaged in other domestic legislation."

43. Act No. 12 of 2015 envisages the creation of a family court in each governorate, with a mandate to consider all cases involving questions of personal status.

## **B.**

44. Elections for student councils are held annually with middle- and secondary-school students of all nationalities taking part to choose their representatives on social, cultural, artistic, sporting and academic committees. This is an instance of the exercise of the freedom of opinion, expression and choice, without any external impositions or obligations.

45. The student parliament – which has representatives from middle- and secondary-school levels of various nationalities (Kuwaiti and non-Kuwaiti) – meets to discuss matters of concern to students, such as:

- The development of curricula and exams;
- The educational environment (school buildings and school activities);
- School rules, regulations and decrees.

46. Decisions are taken during the sittings of the parliament, with the cooperation and involvement of all the students of different nationalities, without discrimination or bias. In this way, the decisions the students themselves take can be implemented in the school setting, in accordance with rules and regulations and with ministerial plans, using an implementation mechanism decided by the competent authorities.

## **C.**

47. Kuwait takes the following steps to ensure the participation of children in decision-making processes in the family and the community:

- The establishment of student councils in schools;

- The student parliament. Since 2014, the National Assembly has been holding a special sitting for the student parliament, which is a single annual session arranged by the secretariat of the Assembly. The parliament brings together 48 student representatives from State-run and private educational establishments, including students with disabilities, who meet to discuss an agenda prepared for them within the framework of the Constitution and the statutes of the National Assembly. The sitting is opened by the President of the Assembly and is attended by the Minister of Education, the Minister of Higher Education, ministerial officials and, sometimes, by other government bodies and public interest associations. Some members of the National Assembly also attend, notably those who are members of the education committee. The purpose of the undertaking is to involve the students in decision-making processes, develop their freedom of expression, promote democracy and develop the skills required to give, take and discuss opinions. Six parliaments have been held during which a number of education-related topics have been discussed;
- Eight children's clubs have been set up across Kuwait, where they offer many cultural, scientific and literary events, for children and parents.

#### D.

48. Civil society institutions of all kinds can be set up under Act No. 24 of 1962, concerning clubs and associations of public benefit. These include public benefit associations that concern themselves with children, of which there are currently nine and which receive financial support in the form of an annual subsidy.

### F. Reply to paragraph 6

#### A.

49. Article 4 of Children's Rights Act No. 21 of 2015 states: "Children have the right to claim lineage from their legal parents, to receive parental care and to legally establish their descent from their parents, in accordance with the law, even after they have attained their majority." One of the prerequisites of children's descent from their parents is that they should have a name that distinguishes them. For this reason, article 10 of the Act requires births to be reported within 21 days, while article 11 reads: "Doctors are required to issue certificates for all deliveries they perform in which they are to stipulate the birth, the date, the mother's name and the sex of the infant." Article 12 (c) of the Act reads: "Birth certificates are to include the names, surnames, nationality, religion and place of residence of the parents."

50. Birth certificates for children of unlawful residents are issued thanks to cooperation between the Central Agency for the Remedy of Situations of Unlawful Residents and the Ministry of Health. Details about the number of birth certificates issued between 2014 and 2019 are to be found in annex 3.

#### B.

51. 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."

52. Kuwaiti Nationality Act, as promulgated by Legislative Decree No. 15 of 1959 and its amendments, contains no provisions that discriminate on the basis of religion, ethnicity, nationality or sex, and no form of racial discrimination:

- Article 4 of Legislative Decree No. 15 of 1959, as amended, states that nationality may be conferred by decree, at the proposal of the Minister of the Interior, to persons who have attained their majority if they fulfil the following conditions:



- (a) If they have been legally resident in Kuwait for at least 20 consecutive years or, if they are Arabs who are nationals of an Arab country, for at least 15 consecutive years;
- (b) If they have a legitimate source of livelihood;
- (c) If they know Arabic;
- (d) If they possess knowledge or perform a service that the country requires;
- (e) If they are Muslims, either by birth or by having embraced and publicly professed the Islamic faith.

53. The fact that the duration of residency required differs between Arabs and foreigners does not amount to discrimination because naturalization means introducing new elements into society and the State, therefore, is keen to promote cohesion and a sense of belonging.

- Article 5 stipulates that, as an exception to the previous article, Kuwaiti nationality may be conferred by decree, at the proposal of the Minister of the Interior, to:
  - (a) Persons who have performed some outstanding service for the country;
  - (b) Persons born to a Kuwaiti mother who remain resident in Kuwait until attaining their majority, if the foreign father is a prisoner, or if he has divorced their mother or if he dies;
  - (c) Persons resident in Kuwait in 1965 and who have maintained their residence there until the issuance of the decree conferring nationality upon them.
- Under article 7 of the Decree, the acquisition of Kuwaiti nationality by a foreigner does not result in his wife becoming Kuwaiti unless she declares her desire to do so within a year of her husband's acquisition of citizenship. Under this provision, then, if a foreigner – regardless of his religion, nationality or language – acquires Kuwaiti nationality then his wife – regardless of her religion, nationality or language – also acquires Kuwaiti nationality by virtue of her relationship to him, on the sole conditions that she manifests her desire to acquire Kuwaiti nationality within one year of her husband becoming Kuwaiti.
- Under article 8, a foreign woman who marries a Kuwaiti man does not become Kuwaiti unless she declares here desire to do so to the Minister of the Interior and the marriage continues for five years after she has made that declaration.

54. When legislators drafted Kuwaiti Nationality Act No. 15 of 1959, as amended, their chief concern was to avoid statelessness. This is clearly reflected in the text, as is shown below.

#### **Attempts to address statelessness at the moment of birth**

55. Article 3 of the Kuwaiti Nationality Act stipulates that the following persons are Kuwaiti:

- (a) Persons born within or outside Kuwait to a Kuwaiti mother and an unknown father or whose descent from their father cannot be legally established;
- (b) Persons born in Kuwait to unknown parents. Abandoned infants are deemed to have been born in Kuwait unless there is evidence to the contrary.

56. Kuwaiti law takes *jus sanguinis* through the father as the basis for transmitting nationality, under article 2 of the Act, which reads: “Any person born within or outside Kuwait to a Kuwaiti father is a Kuwaiti.” However, in cases where it is not possible to establish a child's descent from its father, the principle of *jus sanguinis* through the mother becomes the basis for transmitting nationality, in line with the aforementioned article 3 (1).

57. In article 3 (2), legislators decree that abandoned infants are deemed to have been born in Kuwait unless there is evidence to the contrary. Thus, as no other solution presents itself, they become Kuwaiti by virtue of having been born on Kuwaiti soil. Legislators took this approach as a way of preventing and reducing the phenomenon of statelessness.

### Attempts to address statelessness after birth

58. Legislators have made the loss of Kuwaiti nationality conditional upon the acquisition of the nationality of another country. This is set forth in article 11 of the Kuwaiti Nationality Act promulgated by Legislative Decree No. 15 of 1959, as amended, which reads: “A Kuwaiti is to lose his nationality if he voluntarily acquires the nationality of a foreign State. His Kuwaiti wife is not to lose her nationality unless she also acquires her husband’s new nationality. His minor children lose their nationality if they acquire their father’s new nationality under the law regulating that nationality; however, they can, within two years of attaining majority, declare to the Minister of the Interior their desire to choose Kuwaiti nationality.” This provision clearly shows that, by making the loss of nationality of the wife and children conditional upon them acquiring the nationality voluntarily acquired by the father, Kuwaiti legislators have been careful to avoid situations of statelessness.

59. Under article 9: “If a foreign wife acquires Kuwaiti nationality in accordance with the provisions of the previous two articles, she does not lose that nationality if her marriage ends unless she recovers her original nationality or acquires another nationality.” According to article 10: “A Kuwaiti woman who marries a foreigner does not lose her Kuwaiti nationality unless, at her own request, she acquires the nationality of her husband.”

60. Kuwaiti legislators adopted the principle of *jus sanguinis* through the mother as a basis for transmitting nationality for humanitarian reasons, as a way of honouring Kuwaiti mothers and to avoid situations of statelessness. This is set forth in article 5 and article 3 (2) of the Kuwaiti Nationality Act promulgated by Legislative Decree No. 15 of 1959.

61. Article 3 of the Kuwaiti Nationality Act promulgated by Legislative Decree No. 15 of 1959, as amended, was quoted and explained above. It shows how Kuwaiti legislators adopted the principle of *jus sanguinis* through the mother as the basis for transmitting Kuwaiti nationality to children in cases where the father is unknown or where it is not possible to establish a child’s descent from its father. Moreover, under article 5 (2), a Kuwaiti woman can transmit her nationality to her children if the foreign father is a prisoner, or if he has divorced their mother or if he dies.

62. The bill presented by the Speaker of the National Assembly is still under consideration by the relevant committees.

## G. Reply to paragraph 7

### A. and B.

63. Under article 6 of Children’s Rights Act No. 21 of 2015, persons responsible for the welfare of children have the right to discipline their charges. The text reads: “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.” Thus, although children’s care providers are allowed to impose discipline, they can do so only on condition that it is simple and non-harmful, and there is an express prohibition on abusive, harmful or unlawful practices, even by way of discipline, and the party concerned must not exceed the limits of the law, as stipulated in article 29 of the Criminal Code (Act No. 16 of 1960).

64. Chapter IX of the Act concerns criminal proceedings against persons responsible for harming children. Article 91 envisages penalties for persons who use any form of violence or ill-treatment against children. It reads: “Without prejudice to any more severe penalty envisaged in another law, anyone who practises violence, psychological abuse, neglect, cruelty or exploitation against a child shall be liable to a term of imprisonment of up to 1 year and/or a fine of up to KD 2,000.” Under article 93: “The father or care provider of the child is to be deprived of all in-kind privileges provided by the State if he has been definitively convicted of an offence against the child.” Article 94 envisages the redoubling of penalties in cases where the perpetrator of an offence against a child is the child’s own care provider. The article states: “The penalty for an offence against a child is to be redoubled if it was committed by one of the child’s parents or by someone responsible for the child’s

guardianship, tutelage or education, who has authority over the infant or who works as a servant for one of the aforementioned persons.”

**C.**

65. Article 182 does not oblige a woman to marry her abductor. Such a circumstance would require the consent of the woman’s legal guardian and, if that agreement is not forthcoming, the marriage cannot be finalized. Moreover, under Personal Status Act No. 51 of 1984, the woman’s consent is always required for a marriage to take place; in the case of the marriage of a young woman, both the guardian and the woman involved must express their consent, as per articles 29 and 30.

**D.**

66. The free child support 147 hotline receives reports from children and helps child victims to access the support and services they need. The hotline receives child-related reports then refers them to the appropriate authorities for follow-up, depending upon the nature of each case.

**E.**

67. Under the Children’s Rights Act, children are provided with legal protection against any form of mental or physical abuse. The Criminal Code (Act No. 16 of 1960) and Juveniles Act No. 3 of 1983 also envisage protection for children against any form of physical or sexual violence, ill-treatment, or neglect.

## **H. Reply to paragraph 8**

**A.**

68. This issue has already been clarified in the reply to paragraph 1 (A).

**B.**

69. Family Care Act No. 80 of 2015 covers anyone born in Kuwait to unknown parents or to an unknown father and a Kuwaiti mother, and a person of similar status as determined by the Family Care Committee. Persons whose descent from their father cannot be legally established are considered to be of unknown father. Such persons are placed in temporary care until their legal situation has been regularized, during which time their basic needs are met and they are provided with medical care, habilitation, psychosocial guidance, education and protection against delinquency.

**C.**

70. The 23 articles of Family Care Act No. 80 of 2015 underpin the provision of shelter, care and custody for children of unknown parents and persons of similar status. The Ministry of Social Affairs is responsible for the comprehensive care and upbringing of children, including social, psychological, educational, religious and health-related aspects as well as leisure activities. In addition, the Ministry seeks to promote the children’s abilities and gifts, to develop their talents and to provide them with experience. It also protects children and families from any form of exploitation, abuse or delinquency, and is attentive to their interests, their civil freedoms and their human dignity. Details about beneficiaries of family care services up to June 2021 are to be found in annex 4.

71. A monthly sum is allocated for children in care homes and institutions, which is put aside until they come of age. The amount of the sum and the relevant rules are established by decree of the Minister of Social Affairs. In addition, the Ministry places donations and offerings made by individuals and charitable organizations in special accounts for the children which are then disbursed when the persons concerned attain majority and become fully independent.

**D.**

72. Article 6 of Family Care Act No. 80 of 2015 envisages the creation of the Family Care Committee, which expresses its views on care programmes and plans and on conditions inside social care institutions. The Committee also rules on applications from persons wishing to obtain family care and financial assistance. The conditions that foster families must meet are set forth in article 8 of the Act, while articles 9 to 13 list the powers and duties of the Ministry of Social Affairs vis-à-vis the care of the children concerned., which include preventive measures, protection, removal of custody, oversight, the provision of basic needs, medical services, habilitation, treatment, psychosocial guidance and education. This continues until the custody arrangements end under one of the circumstances envisaged in the Act.

**I. Reply to paragraph 9****A.**

73. Rights of Persons with Disabilities Act No. 8 of 2010 provides a solid and stable foundation for the protection of children with disabilities by safeguarding all their rights and placing a requirement on governmental authorities to provide them with comprehensive care, without discrimination. In that connection, the Public Authority for Persons with Disabilities has the following tasks:

- It provides such children with educational services from the age of 3 until they complete their education;
- It provides habilitation for persons with severe disabilities to ensure their integration into society; the service is delivered via private institutions with the Public Authority meeting the costs, as per articles 9, 10 and 12 of Act No. 8 of 2010;
- It protects the right of children with disabilities to build their capacities and develop their skills, and it promotes their integration into society.

74. Acting in accordance with article 29 of Act No. 8 of 2010, the Public Authority for Persons with Disabilities seeks to guarantee a dignified life for children with disabilities. It pays out a monthly allowance of KD 185 for minor disabilities, KD 225 for moderate disabilities and KD 277 for severe disabilities until the recipients reach the age of 18 or, if they continue their studies, until they reach the age of 26. In all, an amount of KD 2,629,997 is disbursed each month to a total of 10,536 beneficiaries.

75. Article 3 of Children's Rights Act No. 21 of 2015 envisages protection against any form of discrimination among children on grounds of place of birth, parentage, gender, religion, origin, disability or other status, and guarantees equal enjoyment of all rights.

**B.**

76. Kuwait attaches the utmost importance to the early detection of disability in children. This begins with premarital screening with a view to ensuring healthy families and preventing genetic diseases that can result from traditional marriages. The State also conducts periodic postnatal medical checks in order to verify infants' health and detect any diseases or disabilities as soon as possible.

**C.**

77. The Public Authority for Persons with Disabilities was instrumental in the issuance of the Kuwait Accessibility Code, which reflects general design standards for the internal and external environments of buildings. The Code, which is currently being disseminated in cooperation with Kuwait Municipality, is intended to ensure the implementation of engineering design standards so as to create an accessible environment for all persons, irrespective of their age, capability or disability. A working group has been set up to develop the legislation and regulations necessary for the implementation and application of the Code, to consider how it can be applied to existing buildings and to train engineers from public and private organizations in the field of disability and construction.

## J. Reply to paragraph 10

### A.

78. The Public Authority for Food and Nutrition seeks to eliminate obesity and chronic nutrition-related diseases. Its efforts in that regard cover all segments of society, including infants, children under the age of 5, schoolchildren, young people and adults. Details about obesity rates in different age groups are to be found in annex 5.

79. The Public Authority for Food and Nutrition has developed and rolled out a number of programmes aimed at curbing obesity in different sections of society. These programmes may be summarized as follows:

- A national strategy for the implementation of the maternal, infant and young child nutrition programme has been developed and launched. In that connection, the Ministry of Health has been seeking to encourage and support breastfeeding via a special programme, and it has been running its child-friendly hospitals initiative for more than two decades (since November 1997). The Public Authority for Food and Nutrition has assumed responsibility for the programme which, since 2017, it has extended to cover maternal, infant and young child nutrition. In doing so, it has worked in cooperation with the Ministry of Health and with other stakeholders who have a prominent role in improving maternal, infant and young child nutrition in Kuwait, including the Ministry of Trade and Industry, the Ministry of Information, the Chamber of Commerce and relevant civil society organizations. The focus of the national strategy for the implementation of the maternal, infant and young child nutrition programme is to achieve the nutrition-related 2030 Goals; i.e., to improve the nutritional status, growth and general health of infants and young children as well as the nutrition of mothers. To that end, policies and plans have been developed as part of the national strategy, in accordance with the United Nations Decade of Action on Nutrition (2016-2025). Priority strategies for maternal, infant and young child nutrition programme have been divided into four categories, details about which are to be found in annex 6;
- A programme to improve school canteens run in cooperation with the Ministry of Education;
- An initiative to reduce additional sugar;
- An initiative to reduce salt;
- An initiative to enrich flour with vitamin D;
- A reduction in trans-unsaturated fatty acids under regulation GSO 2483/2015 of the Standardization Organization of the Cooperation Council for the Arab States of the Gulf (GCC) acids, which concerns levels of trans-unsaturated fatty acids in food products.

### B.

80. The Council for Children's Departments and the Rashed Allergy Centre, which are both part of the Ministry of Health, conduct studies with a view to expanding the preventive and treatment services available. Plans to address the prevalence of asthma among children are being developed in coordination with the Public Authority for the Environment, on the basis of information about air pollutants produced by the environmental monitoring network. Asthma cases among children are also treated at the primary health-care centres located in all country's health regions, at children's departments, in hospitals and in school clinics where activities are also held to raise awareness about the importance of breastfeeding.

### C.

81. The Children's Rights Act recognizes the right to breastfeeding, which it seeks to encourage via the provision of the necessary facilities. Breastfeeding rates are monitored via nutritional studies on children's health and at breastfeeding clinics in hospitals and primary health-care centres. A guide to breastfeeding has been published and limits have been placed

on the use of formula milk. The implementation of the guide is being monitored thanks to continuing cooperation between the Public Authority for Food and Nutrition and the Ministry of Health.

**D.**

82. Voluntary testing, evaluation and admission are addressed under articles 9 to 11 of the Mental Health Act No. 14 of 2019 while compulsory testing, evaluation and admission are covered under articles 12 to 21. A hotline has been set up by the Child Protection Office in the Ministry of Health to provide child-sensitive reporting channels and to enable child victims to access support and services. The hotline, which is free of charge, addresses all problems involving children (i.e., persons under the age of 18) and provides callers with guidance, advice and counselling.

**K. Reply to paragraph 11**

**A.**

83. Article 13 of the Constitution of Kuwait stipulates: “Education is a cornerstone of progress in society and is guaranteed and protected by the State.” This provision is an expression of the State’s concern for society as a whole, without discrimination or differentiation. Equality is likewise one of the foundations of society, in which regard article 1 of Compulsory Education Act No. 11 of 1965 reads: “Education is to be compulsory and free of charge for all Kuwaiti children, male and female, from the beginning of the primary level until completion of the middle level. The State is required to provide school buildings, books, teachers and all the human and material resources necessary to make compulsory education a success.” Education beyond that level is also free of charge for everyone up to university level.

84. As part of its efforts to ensure equal access to education for all, the State has allowed the children of many non-Kuwaitis to be admitted to State-run schools, without cost or charge. A number of ministerial decrees regulating such admission have been issued.

85. Students who are unlawfully resident receive the same level of education and follow the same curricula as Kuwaitis, with whom they share the same schools, classes and activities. They have the right to enrol in State-run schools, in accordance with ministerial decrees governing school admission. As part of measures and efforts by the State to facilitate access to free education for children in this category, the Ministry of Education issued Decree No. 224 of 2014 and Decree No. 225 of 2014. Under those Decrees, unlawfully resident children born to a Kuwaiti mother and children of serving or retired military personnel in the army or the police who fall into that category can enrol in State-run schools. The Ministry also issued Decree No. 114 of 2016 under which the grandchildren (sons of sons) of serving or retired military personnel in the army or the police who fall into that category can enrol in State-run schools, beginning in the academic year 2016/17.

86. The Ministry also issued Decree No. 116 of 2016 under which unlawfully resident children born to a Kuwaiti mother can enrol in State-run schools of all levels: kindergarten, primary, middle and secondary. By allowing children born to a Kuwaiti mother to enrol in State-run kindergartens, the Decree went further than Decree No. 2224 of 2014, which allowed such children to enrol in State-run schools of all levels, except kindergarten. In addition to this, the State provides assistance to students in need, including those who are unlawfully resident, through its Charitable Fund for the Care of Needy Students.

**B.**

87. All girls receive a good education, characterized by fairness, equality and non-discrimination. Under article 29 of the Personal Status Act, a girl may marry once she reaches the age of 15; however, thanks to cultural and intellectual developments as well as greater social and civic awareness among the public, cases of schoolgirls marrying have become almost non-existent. Thus, the provisions mentioned in the list of issues are effectively inapplicable, having been enacted to address a particular situation and having fallen into

disuse now that the situation no longer arises. In the past, those provisions were considered to be a form of positive discrimination in favour of women and a way of addressing the psychosocial specificities of the married state.

### C.

88. The Ministry of Education has taken a number of steps to address the issue of bullying in schools, including the following:

- The Department of Psychosocial Services held its second conference on the role of social workers and psychologists in addressing the issue of school violence. The conference – entitled “Safe Schools” and held on 11 and 12 December 2017 – provided an opportunity to review the most significant professional intervention programmes intended to combat the phenomenon of student violence;
- A study on “the role of social workers and psychologists in addressing school violence” was conducted among middle- and secondary-school students in the year 2017/18, with a view to developing professional programmes to help social workers and psychologists use scientific methods to address violence in schools of all levels;
- Regulations to evaluate student behaviour have been developed for school disciplinary councils. The regulations, which define how to deal with students in line with school rules and guidelines, aim to help students respect and adhere to established regulations;
- A number of awareness-raising circulars have been issued, addressed to all students and entitled “A Message of Love to all our Schoolchildren”. Similar messages have been sent out to parents, guardians and teachers. Anti-school violence brochures have also been produced;
- A programme promoting educational values has been rolled out to uphold the values of restraint and moderation and to prevent violence, terrorism and extremism among students in Kuwaiti schools;
- In cooperation with various institutions, training courses have been run for social workers and psychologists concerning behavioural situations, the problem of discipline in schools and how to address the phenomenon of student violence, also through the acquisition of anger management skills;
- Parent-teacher councils have been drafted in to help address the problem of student violence. The councils work alongside school administrators on programmes intended to promote and advance the educational process and to overcome any obstacles it might face when confronted with the phenomenon of violence. Seminars and lectures have been held to help parents understand the characteristics associated with the stages of their children’s growth, the needs associated with each stage and how to acquire the necessary social and parenting skills, also in the light of the fact that the family is the chief source of positive or negative behaviour;
- Social workers and psychologists have conducted studies in boys’ and girls’ schools to analyse the phenomenon and have integrated programmes and projects to address the problem of bullying among school students into their annual action plans. The focus of activities in that regard is on awareness-raising among students and parents.

89. The most significant intervention strategies to combat bullying in schools are as follows:

- Training programme on anger management and problem solving. This seeks to teach students self-control in moments of anger and to reduce violent behaviour, both at home and in the classroom. Anger management has a positive effect in that it develops an ability to understand and comprehend the views of others. Several approaches are used such as relaxation techniques and group discussion;
- Cognitive skills training. This aims to combat misconceptions and irrational thoughts that can drive students to violence;

- Strategy to promote alternative thinking. This is to help school students understand their feelings, endure frustration, correctly interpret social signals and communicate successfully; cognitive interventions are conducted in an attempt to reduce undesirable forms of behaviour such as violence.

90. School social workers play a key role in reducing episodes of violence and bullying in schools, as follows:

- *Prevention:*
  - Spreading a culture of tolerance and non-violence;
  - Holding workshops and meetings for parents to explain sound child-rearing methods, with a focus on giving children space for freedom of thought and expression, and highlighting the positive aspects of the child's personality using positive reinforcement;
  - Making early diagnoses of children who are suffering stress and who might develop abnormal behaviours;
  - Developing students' value system;
  - Conducting workshops for teachers to discuss the characteristics associated with each stage of development and the associated psychosocial needs;
  - Using effective human communication skills, the most important of which are listening, empathy and attention.
- *Treatment:*
  - Using behaviour evaluation methods and avoiding punishments through negative reinforcement, response cost, overcorrection, written social and behavioural conventions and classroom games;
  - Using cognitive methods to reduce violence, notably: awareness of the consequences of violent behaviour; imbuing students with problem-solving skills; psychological support; teaching students self-control, self-guidance and self-assessment; developing interactional social skills; changing misconceptions among certain students concerning the meaning of masculinity.

#### **D.**

91. The Ministry of Education provides a modern school environment in which students receive an integrated upbringing that takes account of all aspects of their overall development (spiritual, mental, psychological, social and physical) and that addresses all areas of education (cognitive, emotional and motorial). At a practical level, this is translated by the various components of education – including curricula, textbooks, teacher's guides and educational activities – to reflect the personality of learners, their understanding of their rights and duties, their role in society and the importance of active participation in public life. These concepts have been balanced and integrated into teaching modules, which include activities on the environment and the importance of environmental preservation and on the rights and duties of students. In addition to this, classes on the Sustainable Development Goals have been introduced into the ninth grade, which is part of compulsory schooling that all students undertake, while a class on the Children's Rights Act has been introduced into the twelfth grade.

92. The Ministry of Education cooperates with government agencies, specifically the Public Authority for the Environment, to find ways to improve environmental knowledge among students and to make environmental issues part of all educational modules, particularly for the very young. Throughout the year, university and high-school students visit the Jahra Reserve to learn about wildlife and environmental protection.



## L. Reply to paragraph 12

### A.

93. Article 34 of Prisons Act No. 26 of 1962 stipulates: “Female prisoners are entitled to keep their children with them until they reach the age of 2. If they do not wish their children to remain with them or the children have already reached that age, they shall be handed over to the father or to a relative of the mother’s choosing. 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 regulations.”

94. Article 13 of Internal Prison Regulations states: “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 director, 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.”

95. The women’s prison has a nursery for children, fully equipped with toys and games and staffed with superintendents appointed by the Ministry of Social Affairs. All the daily needs of the children are met, including food, special requirements, health care and entertainment. Once they reach the age of 2, the children are handed over to a person of the mother’s choosing or placed in a children’s care home run by the Ministry of Social Affairs, as explained above.

### B.

96. When parents with custody of their children are, in accordance with the law, referred for deportation to the Department for Extradition and Temporary Detention, the nutritional and medical needs of the children are duly met and the deportation process is accelerated so that it does not last for more than 72 hours more and the children do not have to endure long periods of waiting. In consideration of the circumstances, if there is a person capable of looking after the children, that person is to remain with them until the date of deportation of their parents and to hand them over on the day of travel.

### C.

97. According to article 21 of Domestic Workers Act No. 68 of 2015: “It is forbidden to recruit or employ domestic workers of either sex who are under the age of 21 or over the age of 60. The competent minister may make exceptions to the age requirement.” Article 29 of the same Act states: “Anyone who recruits a domestic worker under the age of 21 shall be liable to a term of imprisonment of up to 6 months and/or to a fine of up to KD 500.”

### D.

98. Juveniles enjoy special favour and care in Kuwait, where legislators issued Juveniles Act No. 111 of 2015 which contains provisions on the treatment of young persons in conflict with the law. Article 1 of the Act states that a juvenile is “any person under the age of 18”, while article 2 stipulates: “No criminal liability is incurred by persons who are under the age of 7 when they commit an act that is considered an offence under the law.” Under article 3 of the Act: “The juvenile’s age is to be established by an official birth certificate or any other official personal document. In all cases, the courts may order the referral of the juvenile before a medical panel in order for it to undertake an age assessment.”

99. Article 5 of the Act reads: “Young persons who are over 7 but under 15 years of age and who commit an offence are liable to one of the following measures: delivery into the custody of a guardian; enrolment in vocational training; compulsory fulfilment of specific obligations; probation; placement in a social reform or medical institution; or placement in hospital for specialized treatment.”

100. Juveniles may not be sentenced to penalties envisaged in any other law and, if they are under the age of 17, they can only be delivered into the custody of a guardian, placed in hospital for specialized treatment or placed in a social care institution, depending upon the circumstances. According to article 15 of the Act, juveniles may not face the death penalty or life imprisonment. If juveniles over 15 but under 18 commit an offence that attracts the death penalty or life imprisonment, they are to be sentenced to a term of imprisonment that is not to exceed 15 years. If juveniles commit an offence that attracts a term of ordinary imprisonment, they are to be sentenced to a term that does not exceed half the legally prescribed maximum sentence for that offence. Juveniles may not be ordered to pay a fine irrespective of whether or not that penalty is accompanied by a term of imprisonment.

**E.**

101. Under article 16 of the Juveniles Act juvenile courts have the right – in the case of offences that attract terms of imprisonment and with the exception of those that attract the death penalty or life imprisonment – rather than imposing the penalties envisaged in the preceding article, to sentence the juvenile concerned to one of the measures envisaged in article 5 (4), (5) and (6) of the Act. In that regard, legislators have given juvenile courts the right to exercise discretion when sentencing juveniles in conflict with the law.

102. Judges in juvenile courts, having the authority granted to them under article 16, have to strike a balance between the appropriate penalty for the act committed by the juvenile and an assessment of the juvenile’s behaviour and possible reintegration as a useful member of society. For that reason, the courts consider the circumstances and background of each case.

**M. Reply to paragraph 13**

**A.**

103. Article 40 of Army Act No. 32 of 1967 and article 2 of Compulsory Reserve Service Act No. 102 of 1980 both prohibit the enrolment or participation in the armed forces of persons under the age of 18. In addition to this, article 37 of Police Act No. 23 of 1968 includes an explicit provision to the effect that persons accepted for service in the military or the police force must be at least 18 years of age.

**B.**

104. There are no armed or military groups in Kuwait, and the recruitment of children and their involvement in combat operations is a criminal offence. This is a clear indication of the State’s concern for the rights of children, whom it seeks to safeguard and protect while also preventing their involvement in any kind of armed conflict. Article 31 of Act No. 31 of 1970, which amended certain provisions of the Criminal Code (Act No. 16 of 1960) stipulates: “Anyone who trains a person to carry a weapon or to use ammunition or who provides training in martial arts of any kind so that the persons thus trained can assist in carrying out unlawful acts is liable to a term of imprisonment of between 3 and 15 years. Anyone trained to carry a weapon or to use ammunition or who has received training in martial arts of any kind in the knowledge that such training is intended to serve in carrying out unlawful acts is liable to a term of imprisonment of up to 5 years.”

**N. Reply to paragraph 14**

**A., B. and C.**

105. Kuwait has set up mechanisms for marginalized and disadvantaged children in the form of special departments that protect them from all forms of exploitation, conduct periodic check-ups and provide care and rehabilitation. The legal measures and procedures to be followed in such cases are set forth in the laws governing the work of those departments.

1. The Ministry of Information issued five ministerial decrees (Nos. 26, 30, 31, 32 and 33) in 2016 to facilitate the implementation of the Children’s Rights Act, as follows:

- The Department for Inspecting Publications and Printing implements article 69 of Chapter VII of the Act, which concerns the appointment of officials mandated to oversee and enforce the Act, seize any material that contravenes it then draft reports and submit them to the Office of the Public Prosecution. Teams also carry out periodic inspections of cinemas to ensure that film theatre managers are abiding by the provisions of the Children’s Rights Act, as the viewing of certain films – classified by the Department for Film Classification – is forbidden for children. If any irregularities are discovered, a report is drafted and submitted to the Office of the Public Prosecution;
- The Audiovisual Media Department implements the Audiovisual Media Act No. 61 of 2007 by monitoring all material, including publicity and advertisements, broadcast by private Kuwaiti satellite channels and private radio stations in order to protect children from inappropriate content. The Department’s actions in that connection are consistent with article 68 of chapter VII of the Children’s Rights Act.
- The Department for Film Classification plays an oversight role to protect society, particularly as concerns artistic works intended for children. In doing so, the Department applies article 4 of Ministerial Decree No. 31 of 2016 regarding film censorship, under which it evaluates films to determine the age of the viewing public allowed to enter the film theatre, and it sets appropriate standards for authorizing or banning the screening of films inside Kuwait.

2. In application of the 23 articles of the Family Care Act No. 80 of 2015, the Ministry of Social Affairs provides comprehensive care and shelter to children of unknown parents and persons of similar status, covering their social, psychological, educational, religious and health-related needs as well as leisure activities. In addition, the Ministry invests in the children’s abilities and gifts, and seeks to develop their talents and to provide them with experience. It also protects children and families from any form of exploitation, abuse or delinquency, and it is attentive to their interests, their civil freedoms and their human dignity. Details about beneficiaries of family care services are to be found in annex 7.

3. Juveniles Act No. 111 of 2015.

106. The Act concerns child and juvenile offenders, and children and juveniles who are at risk of delinquency. In applying the Juveniles Act, the Ministry of Social Affairs implements State policy, provides comprehensive social care to juveniles, seeks to modify or correct the behaviour of juvenile offenders and those at risk of delinquency and rehabilitates and reintegrates them as useful members of society. Details about beneficiaries of the services provided by the Juvenile Welfare Department are to be found in annex 8.

107. Article 88 of Children’s Rights Act No. 21 of 2015 stipulates that 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 is liable to a penalty of imprisonment for a term of between 2 and 3 years and to a fine of between KD 10,000 and KD 50,000. The materials used to perpetrate the offence and the assets resulting therefrom are to be confiscated while the premises where the offence was committed are to be closed. The same penalty is applicable to:

(a) 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;

(b) Anyone who uses computers, the Internet, information networks, animated drawings or any other 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.

108. In that regard, under the Children’s Rights Act, the Ministry of Information has issued the five aforementioned ministerial decrees.

**D.**

109. The recruitment process for domestic workers is regulated in several articles of Domestic Workers Act No. 68 of 2015. Article 1 specifies that recruitment is take place through domestic worker recruitment bureaux that hold an operating licence issued by the Department for Domestic Labour. Moreover, foreign recruitment bureaux that send domestic workers must be in possession of an operating licence issued by the authorities of the country concerned and endorsed by the embassy of Kuwait in that country.

110. According to article 3 of Domestic Workers Act No. 68 of 2015: “It is forbidden to recruit domestic workers without a valid licence issued by the Ministry of Interior.” The Act also grants the Department for Regulating the Recruitment of Domestic Workers full powers to oversee and regulate the recruitment process and to take administrative action against recruitment bureaux in the following circumstances:

(a) If the bureau fails to consign the domestic worker to the employer within 24 hours, unless there is some legal impediment preventing this and the Department for Domestic Labour is duly notified thereof;

(b) If, without an acceptable reason, the bureau fails to collect domestic workers as soon as they arrive in the country.

111. Article 25 of the Act envisages circumstances for the revocation of a domestic worker recruitment licence one of which, according to article 25 (2), is “if a licence holder receives any remuneration from the worker for the latter’s recruitment or employment”, or, according to 25 (6), “if the recruitment bureau is used as accommodation for domestic workers”.

112. The basis for foregoing is article 4 of Domestic Workers Act No. 68 of 2015, which states: “It is forbidden for the licence holder or the licence holder’s employees or associates inside or outside Kuwait to charge domestic workers – or persons of similar status – any fees, be it directly or indirectly, in return for finding them work with an employer or arranging for them to stay with the employer. If such actions are shown to have taken place at any stage of the recruitment process, the licence holder is liable to be penalized under the Criminal Code for the offences of extortion and illicit gains. The recruitment bureau may not be used as accommodation for domestic workers.”

113. In this way, the Department for Regulating the Recruitment of Domestic Workers uses all the means at its disposal to oversee and regulate the recruitment process, in line with Act No. 68 of 2015 and in cooperation and coordination with the Ministry of the Interior.

**II. Part II****Reply to paragraph 15****A.**

114. Kuwait continues to take steps towards legislative reform with a view to developing its system of statutes and to promote human rights values and principles. A number of pieces of domestic legislation have been passed in that connection, including:

- Access to Information Act No. 12 of 2020;
- Act No. 14 of 20920 amending article 30 of the Criminal Code (Act No. 16 of 1960) under which the term “consent of the mother” is to be added alongside “legal guardian” if a sick person’s agreement to a surgical procedure or operation is not legally valid;
- Anti-Domestic Violence Act No. 16 of 2020;
- Act No. 70 of 2020 concerning the practice of the medical profession and auxiliary medical professions, the rights of patenting and the operation of health facilities, which contains a number of provisions relevant to children.

Explanatory memorandums of the aforementioned laws are attached

**B. New institutions (and their mandates) or institutional reforms;**

- The creation of a human rights department in the Ministry of Foreign Affairs;
- The creation of offices for the resolution of family conflicts within the family court;
- The creation of the Family Insurance Fund Department pursuant to Ministerial Decree No. 112 of 2015;
- The creation of an organizational structure for the Supreme Council for Family Affairs;
- The creation of an office for the protection of children's rights within the Ministry of Health;
- The creation of an office within the Ministry of Health to follow up on matters concerning persons with disabilities;
- The Council of Ministers issued Decree No. 614 of 2018 under which responsibility for matters concerning domestic workers was transferred from the Ministry of the Interior to the Public Authority for the Workforce, with effect from 31 March 2019. The aim was to place responsibility for contracted foreign workers in the hands of a single body;

**Draft laws, legislation and regulations brought before the National Assembly, recommendations 143 and 144**

- A bill regarding trade unions;
- A bill regarding charity work;
- A bill regarding voluntary work;
- A bill regarding compulsory kindergarten education;
- A bill amending certain articles of Rights of Persons with Disabilities Act No. 8 of 2010.

**C.**

115. Kuwait has put forward a body of national policies and strategies, which aim to promote and protect the enjoyment of human rights and fundamental freedoms and which are in line with the 2030 Sustainable Development Goals. Details about national policies and strategies are to be found in annex 9.

**D.**

116. Kuwait has not ratified any new human rights instruments.

**III. Part III****A. Reply to paragraph 16**

117. There is no defined national budget for children in one specific body. Rather, each government body has its own budget which also covers matters concerning children. The budget of the Ministry of Education covers all aspects of the educational process from kindergarten to the higher or secondary level

- In the same way, the Ministry of Health also has a special budget for prenatal and pregnancy care and for vaccinating children from birth to the age of 16;
- In addition, the budget for family care and the Social Welfare Fund seek to meet family care needs with financing from charitable associations and private companies.

**B. Reply to paragraph 17****A.**

118. Annex 10 provides information about the numbers of live births in each governorate, disaggregated by place of birth, nationality and gender of the infant. The Government has facilitated procedures for the issuance of official documents to persons unlawfully resident in the country. In fact, under Council of Ministers Decree No. 409 of 2011, the expression “non-Kuwaiti” is to be entered under “nationality” in place of the person’s original nationality. The facilities adopted by the Government in this connection have led to an increase in the number of documents received by illegal residents, who had previously avoided accepting them. Birth and death certificates are issued in accordance with Act No. 36 of 1969 regulating the registration of births and deaths. Details about the number of birth certificates issued to persons unlawfully resident in the country (2017–2019) are to be found in annex 11.

**B.**

119. Annex 12 provides information about the number of documented marriages disaggregated by age group and the nationality of husband and wife (2017–2019).

**C.**

120. No cases of this nature have occurred.

**D.**

121. Annex 13 provides information about cases of ill-treatment against children, including domestic violence, physical violence and sexual abuse.

**E.**

122. Immunization coverage and the relevant costs are borne by the State to ensure that vaccinations are available to everyone, citizens and residents, free of charge and without discrimination.

**F.**

123. Annex 14 provides information concerning school enrolment, disaggregated by educational stages (2017–2020).

**G.**

124. The State takes measures to combat malnutrition. One of these, for example, is the creation of grassroots nutritional awareness committees, which set up awareness-raising groups in residential communities and in schools to disseminate knowledge about healthy eating, food preparation and healthy shopping. Information about healthy nutrition is also constantly broadcast via social media. In addition to this, the competent body – the Nutrition Department – is continually reviewing and adapting the meals available in hospitals to ensure that they do not contain excessive amounts of sugar or fat. The Nutrition Department has also opened a number of food clinics in primary health-care centres in all governorates to ensure continual monitoring and follow-up of nutrition-related matters. At the same time, the Public Authority for Food and Nutrition has taken steps to combat childhood obesity by rolling out technical specifications governing fats and reducing the level of added sugar in certain kinds of juice.

**H.**

125. Information about drug use is to be found in annex 15.

**I.**

126. Following the enactment of Environmental Protection Act No. 42 of 2014, as amended by Act No. 99 of 2015, the Public Authority for the Environment issued the relevant implementing regulations and set standards for air quality and for gas emission levels from all the major sources in the State. The purpose of these steps was to protect the health of all groups of society. In addition, the Public Authority monitors any violations to the standards it has set, particularly serious violations by industrial plants located near residential areas. It also oversees the implementation of Decree No. 2. of 2015, which envisages the establishment of an environmental and social impact assessment system in the State of Kuwait, and it works to ensure that construction and environmental standards are duly applied.

**C. Reply to paragraph 18**

127. Annex 16 provides information concerning children deprived of a family environment.

**D. Reply to paragraph 19****A.**

128. Annex 17 provides information concerning persons with disabilities who live with their families.

**B.**

129. Nine children with disabilities live in institutions.

**C.**

130. Annex 18 provides information concerning persons registered with the Public Authority for Persons with Disabilities who are enrolled in school.

**D.**

131. There are a number of cases in which children with disabilities do not attend school due to their state of health, which requires them to remain in hospital or treatment centres.

**E.**

132. Children in shelters are as follows:

- Children under 8: none;
- Children between 9 and 13: 3;
- Children between 14 and 18: 5.

133. It should be pointed out that these children are referred to the shelters because they require health and medical care that it is difficult to provide in their homes. Each case is fully assessed before being admitted to the shelter.

**E. Reply to paragraph 20**

134. Details about children in conflict with the law are to be found in annex 19.

**F. Reply to paragraph 21**

135. Development is a vital necessity and the foundation on which States construct their future. In Kuwait, development has to focus on the Kuwaiti people and to have the purpose of raising the social level and living standards of Kuwaiti citizens. For that reason, development programmes in Kuwait begin from a fundamental starting point, which is the

need to invest in human capital, a need dictated by the Sustainable Development Goals, which begin by focusing on the human being and end by raising socioeconomic level of the State.

136. The State's determination to promote families and children is reflected in article 9 of the Constitution, which stipulates: "The family, which derives its strength from religion, morality and patriotism, is the cornerstone of society. The law shall protect its legal status, strengthen its bonds and values, and provide a shield for mothers and children." Under article 10 of the Constitution, the State is to ensure the welfare of young people and protect them from exploitation and from moral, physical and spiritual neglect. Acting in accordance with these provisions, the State provides children with social, health, educational and cultural services, in which regard the authorities follow a methodology that focuses on legislative and institutional aspects and on service-delivery with a view to creating a comprehensive system that covers all the health, educational and social aspects of children's lives. Children's Rights Act No. 21 of 2015 – a watershed for the rights of children in Kuwait, which regulates all children's social, health and educational rights – is consistent with the Convention on the Rights of the Child, which Kuwait has ratified, and with other international treaties, and it marks a solid step forwards in the consolidation of rights and freedoms in the country. Kuwait also implements child protection policies and procedures to safeguard children's right to a name and to legal documentation, and to ensure that they can be raised and educated in a suitable environment. The 2015–2020 national development plan focuses on the promotion of health, social and cultural services, and capacity-building, for all children. It also envisages a mechanism for the early identification of situations of violence as well as guidance intended to ensure that parents and guardians (including teachers) abandon physical or moral violence as a way of punishing children in favour of a more peaceable and positive approach.

#### **G. Reply to paragraph 22**

137. Details about the proportion of children up to the age of 18 in Kuwait are to be found in annex 20. The Public Authority works with children's rights groups to address any issues and problems that prevent the full enjoyment of those rights, issuing the necessary decrees and laws in that regard.

#### **H. Reply to paragraph 23**

138. The priorities Kuwait has set itself consist in early intervention and education for children with disabilities.

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