



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of Kuwait, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)

1. The Committee considered the second report of Kuwait (CRC/C/KWT/2) at its 1819th and 1820th meetings (see CRC/C/SR.1819 and 1820), held on 17 and 18 September 2013, and adopted at its 1845th meeting, held on 4 October 2013, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the second report of the State party and the written replies to its list of issues (CRC/C/KWT/Q/2/Add.1), and appreciates the constructive dialogue held with the multisectoral delegation of the State party. It however regrets that the second periodic report was submitted with considerable delay, which has prevented the Committee from reviewing the situation of children in Kuwait for more than a decade. The Committee also regrets that the report of the State party fails to comply with the Committee's reporting guidelines (CRC/C/58/Rev.2 and Corr.1).

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:
- (a) Act No. 91 of 2013, concerning trafficking in persons and smuggling of migrants;
 - (b) Act No. 8/2010 on the Rights of Persons with Disabilities; and
 - (c) Private Sector Labour Code (Act No. 6 of 2010), which prohibits the employment of children under the age of 15.
4. The Committee further welcomes the following institutional and policy measures:
- (a) Ministerial Decision No. 314 of November 2009, which requires all doctors to report cases of physical, sexual and psychological abuse of children and establish committees in every health district for monitoring and follow-up of such cases;
 - (b) The establishment of the Higher Committee for Human Rights in 2008 to raise awareness of and include human rights in school curricula; and

(c) The establishment of a charitable health care fund for the benefit of disadvantaged persons of all nationalities pursuant to Cabinet Decision No. 855 of September 2003.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)

The Committee's previous recommendations

5. The Committee regrets that a number of the Committee's concluding observations of 1998 (CRC/C/15/Add.96) and 2008 (CRC/C/OPSC/KWT/CO/1 and CRC/C/OPAC/KWT/CO/1) on the State party's initial report under the Convention and under its two optional protocols, respectively, have not been properly addressed.

6. **The Committee urges the State party to implement as a matter of utmost priority its recommendations relating to *bidoon* children contained in the concluding observations on the State party's initial reports under both the Convention and its two optional protocols. The Committee also recommends that the State party take all necessary measures to address those recommendations that have not been implemented or not sufficiently implemented and in particular those related to child marriage, non-discrimination, nationality, domestic violence and juvenile justice.**

Reservations and interpretative declarations

7. The Committee welcomes the information provided by the delegation that the State party will consider withdrawing its reservations to article 21 of the Convention. The Committee is however concerned that the State party has maintained its general reservation to the Convention, which is incompatible with the object and purpose of the Convention. The Committee is also concerned that reservations to article 7 of the Convention and article 3, paragraph 5, of the Optional Protocol on the sale of children, child prostitution and child pornography have not been withdrawn.

8. **In the light of its previous recommendations (CRC/C/15/Add.96, para. 9), the Committee urges the State party to review its general reservation to the Convention and its interpretative declarations with a view to withdrawing them, in accordance with the 1993 Vienna Declaration and Programme of Action. The Committee considers that cultural and religious specificities may be taken into consideration in order to develop adequate means to ensure respect for universal human rights, but they cannot jeopardize the implementation of all provisions of the Convention.**

Legislation

9. The Committee notes that a draft Child Act, which envisages, inter alia, establishing a Higher Council for Childhood, has been elaborated and is currently being reviewed at the ministerial level. The Committee is however concerned about the considerable delay in the process of its adoption, which was recommended by the Committee in 1998 (CRC/C/15/Add.96, para. 10). The Committee is also concerned that the draft law is based on existing national laws related to children, some of which are not fully in compliance with the Convention and its Optional Protocols.

10. **The Committee urges the State party to expedite the process to adopt the Child Act and ensure that it fully incorporates all rights and principles of the Convention and its Optional Protocols to ensure the justiciability of all children's rights. The Committee also encourages the State party to review all existing legislation related to**

children and ensure that it is brought into conformity with the Convention and its Optional Protocols.

Comprehensive policy and strategy

11. While noting that children's issues have been taken into account in development plans adopted over the past decade, the Committee remains concerned that the State party has not foreseen the adoption of a comprehensive policy and strategies for the implementation of the Convention and its Optional Protocols.

12. **The Committee encourages the State party to prepare a comprehensive policy on children and to develop, on the basis of the policy, a strategy containing all the necessary components for its application, including provision for sufficient human, technical and financial resources.**

Coordination

13. The Committee notes as positive the decision to establish a Higher Council for Childhood to coordinate the implementation of the Convention, but regrets that to date such a mechanism is still not in place.

14. **The Committee urges the State party to expedite the process of establishing a Higher Council for Childhood and ensure that it is a high-level mechanism and has the necessary mandate and capacity to coordinate the implementation of children's rights across all ministries and other agencies which are responsible for the State party's obligations under the Convention as well as between national, regional, municipal and local levels. This mechanism should be provided with adequate human, financial and technical resources to fulfil its mandate.**

Allocation of resources

15. The Committee notes as positive that financial allocations to education accounted for 14 per cent of the State budget in 2008 and that spending on health care increased in 2013. However, the Committee regrets that insufficient information has been provided by the State party on the resources allocated for the implementation of the Convention and in particular on the specific budgetary allocations for the provision of critical social services to children in the most disadvantaged situations, particularly bidoon children, children with disabilities and children of migrant workers.

16. **The Committee urges the State party to:**

(a) **Utilize a child-rights approach in the development of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to the investment in children and allowing impact assessments on how investments in any sector may serve to fulfil children's rights;**

(b) **Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability by local authorities; and**

(c) **Define strategic budgetary lines for children in disadvantaged or vulnerable situations, in particular bidoon children, children with disabilities and children of migrant workers.**

Data collection

17. The Committee expresses concern about the continued limitation in statistical data available on the situation of children in the State party, which has a negative impact on the

State's capacity to monitor and evaluate progress achieved with respect to children and prevents the Committee from properly assessing the situation of children in the State party. The Committee is also concerned that there is still no comprehensive and centralized data collection system covering all areas of the Convention.

18. **In the light of its previous recommendation (CRC/C/15/Add.96, para. 13), the Committee encourages the State party to set up a national and comprehensive system to collect data, disaggregated by, inter alia, age, sex, ethnicity, geographic location and socioeconomic background, on all areas of the Convention in order to facilitate the analysis of progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The State party should ensure that the information collected contains up-to-date data on children in disadvantaged situations, particularly girls, bidoon children, children of migrant workers and children with disabilities. The Committee further urges the State party to develop and implement a policy to protect the privacy of all children who have been registered in the national databases.**

Independent monitoring

19. While taking note of the existence of a draft bill to establish a national human rights institution, the Committee expresses concern that this process has been very slow and that there is still no independent mechanism in the State party that has a mandate to regularly monitor and evaluate progress in the implementation of the Convention and that is empowered to receive and address complaints from children.

20. **The Committee, in the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, urges the State party to establish an independent mechanism in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor the fulfilment of children's rights under the Convention and deal with children's complaints of violations of their rights in a child-friendly and expeditious manner. The mechanism should be established either as part of a national human rights institution with a child unit or, preferably, as a separate mechanism (for example, an ombudsperson for children) properly resourced and with a presence throughout the territory.**

Cooperation with civil society

21. The Committee notes with concern that civil society and children were not involved in the preparation of the State party report and are generally not aware of the role they could play during the reporting process.

22. **The Committee urges the State party to systematically involve communities and civil society, including non-governmental organizations and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to child rights.**

Children's rights and the business sector

23. The Committee expresses concern about the contamination of water in the residential areas of Mishref and Sabah Al-Salem in 2002; the spilling of large quantities of untreated wastewater into the sea in 2009; the exposure of the residential area of Ali Sabah Al-Salem (previously known as Um Al-Hayman) to air pollution caused by industries and oil refineries; and the lack of relocation of families and children living in these areas.

24. **The Committee draws the State party's attention to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's**

rights and recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights and labour, environment and other standards, particularly with regard to children's rights, and in the light of Human Rights Council resolutions 8/7 (para. 4 (d)) and 17/4 (para. 6 (f)). In particular, it recommends that the State party:

(a) Ensure effective implementation by companies, especially industrial companies, of international and national environment and health standards; set up effective monitoring of implementation of these standards and appropriate sanctioning, providing remedies when violations occur; and ensure that appropriate international certification is sought;

(b) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts;

(c) Take immediate measures to relocate all families and children subjected to pollution that endangers their life and health status; and

(d) Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.

B. Definition of the child (art. 1 of the Convention)

25. The Committee expresses serious concern that in spite of its previous recommendations (CRC/C/15/Add.96, para. 15) and repeated recommendations by other treaty bodies, the State party has still not raised the minimum age of marriage (17 years for boys and 15 years for girls). The Committee is also deeply concerned that according to article 24 of the Personal Status Act (Act No. 51 of 1984), a marriage is considered as legitimate when parties have reached the age of puberty and are of sound mind.

26. **The Committee urges the State party to bring its legislation on the minimum age of marriage into full compliance with the definition of the child contained in article 1 of the Convention and repeal without further delay article 24 of the Personal Status Act.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

27. The Committee notes as positive the establishment in 2010 of the Central System to Resolve Illegal Resident Status, the issuance of birth certificates for some bidoon children and the assurances given by the delegation that the situation of bidoon families will be resolved in the next five years. The Committee is nevertheless deeply concerned about the persistent discrimination against bidoon children, with a great proportion of them being deprived of their basic rights, in particular their rights to birth registration and access to health care, social services and education, and living in precarious conditions in the State party, in continued violation of article 2 of the Convention.

28. **The Committee urges the State party to shift from its humanitarian approach to a child rights-based response to the situation of bidoon children and to take immediate measures to ensure that all bidoon children enjoy all their rights enshrined in the Convention without discrimination. The Committee urges the State party to report in detail about these measures and their outcome in its next periodic report.**

29. The Committee reiterates its concern about the existence of some laws, regulations and practices which are discriminatory towards girls, especially with regard to their right to education and inheritance (CRC/C/15/Add.96, para. 17). The Committee is also concerned about the persistence of a patriarchal culture and discriminatory gender stereotypes in the State party as observed by the Committee on the Elimination of Discrimination against Women in 2011 (CEDAW/C/KWT/CO/3-4, paras. 28 and 38).

30. **The Committee urges the State party to proceed with the removal from the Personal Status Act of all provisions that discriminate against girls and women. The State party should also take concrete actions to eliminate discriminatory stereotypes that negatively affect the development of girls' personality, talents and mental and physical abilities to their fullest potential and amend school curricula that convey such attitudes and to ensure that boys and girls have equal opportunities in the school system.**

Best interests of the child

31. While noting as positive that the legislation attaches paramount importance to the interests of the child, the Committee notes with concern that the right of children to have their best interests assessed and taken as a primary consideration has not been appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and in all policies, programmes and projects relevant to and with an impact on children. The Committee is also concerned that this right is also subject to misinterpretation, notably as regards guardianship, and disregarded in the case of bidoon children and in judicial proceedings where parents are involved, and especially when sentencing parents to death.

32. **The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, and recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and with an impact on children. The Committee also urges the State party to assess and fully take into account the best interests of the child in judicial proceedings where parents are involved and when sentencing parents to death. The Committee also urges the State party to undertake a full assessment of the impact that its legislation and policies has on bidoon children.**

Respect for the views of the child

33. The Committee expresses concern that children are generally not perceived as rights holders in Kuwaiti society and that their participation in the public sphere and their opportunity to have their voices heard in decision-making processes are absent at the policy level and insufficient at the family, school and institutional and community levels.

34. **Referring to its general comment No. 12 (2009) on the right of the child to be heard, the Committee reiterates its recommendations that the State party take all appropriate measures to encourage the participation of children in the family, in institutions, at school and in society (CRC/C/15/Add.96, para. 19). The Committee also recommends that the State party establish clear mechanisms and guidelines for an effective implementation in practice of the right of the child to be heard, and ensure that the views of the child are taken into account by policymaking bodies and that children are provided with adequate responses to their proposals.**

D. Civil rights and freedom (arts. 7, 8, 13–17, 19 and 37 (a) of the Convention)

Birth registration/nationality

35. The Committee notes with concern that, despite the establishment by decree of the Central System to Resolve Illegal Resident Status in November 2010 and Council of Ministers Decision No. 409 of 2011, a great proportion of bidoon children continue to be deprived of their right to be registered at birth and to acquire a nationality, which prevents them from having access to health-care services, public schools and any other type of social benefits and services. Furthermore, the Committee is particularly concerned that:

(a) Although citizenship is automatically given to children of unknown parentage, children born to Kuwaiti mothers and non-Kuwaiti fathers do not inherit citizenship unless the mother is divorced or widowed, which leads many children to be stateless; and

(b) Identity documents provided to children nationalized in accordance with article 3 of the Nationality Act clearly mention that these children are of unknown parentage, thus exposing them to stigmatization.

36. **In the light of its recommendation of 1998 (CRC/C/15/Add.96, para. 20) and those of other treaty bodies, the Committee urges the State party to abide by its obligation to ensure that all children within the State party's jurisdiction have the right to be registered at birth and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnicity, social origin or status. The Committee urges the State party to take immediate action to:**

(a) **Ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother's nationality;**

(b) **Ensure that identity documents no longer permit the identification of children as being of unknown parentage; and**

(c) **Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

Freedom of thought, conscience and religion

37. The Committee expresses concern that students of religious minorities enrolled in private schools, including in the licensed private Shia school, are not allowed to receive teaching of their religion during the time that Sunni Islam is being taught. The Committee is particularly concerned about the derogatory language contained in religious textbooks, such as the labelling of persons of other religions or beliefs as infidels, as well as the harassment and bullying of students during the teaching of these lessons.

38. **The Committee urges the State party to ensure full respect of the right of children to freedom of thought, conscience and religion, in particular by allowing children in private schools to receive teaching of their religions, if they so wish. The Committee also urges the State party to immediately remove derogatory language from religious textbooks and ensure that religious teachings promote tolerance and understanding among children from all communities and religious or non-religious backgrounds.**

Freedom of association and peaceful assembly

39. The Committee expresses concern about article 4 of Act No. 24 of 1962, regarding clubs and public benefit societies, which prescribes that for the establishment of a society or

a club, each founder must be above 18 years old, and therefore impedes the right of children to freedom of association and expression as well as their right to be heard.

40. **The Committee reminds the State party that children should be supported and encouraged to form their own child-led organizations and initiatives, in order to create space for meaningful participation and representation. It therefore urges the State party to amend Act No. 24 of 1962 regarding clubs and public benefit societies and ensure that children effectively enjoy their rights to freedom of expression, association and peaceful assembly and that restriction of children's right to freedom of association be in strict conformity with article 15, paragraph 2, of the Convention.**

E. Violence against children (arts. 19, 37 (a) and 39 of the Convention)

Corporal punishment

41. The Committee welcomes the information that corporal punishment of children is strictly prohibited in the school system and that clear instructions have been provided to all school staff in this respect. The Committee is however concerned that article 26 of Act No. 16/1960 (the Penal Code) provides for the right of a person to discipline a child, if that person is authorized by law to do so, on the condition that boundaries are maintained and the intention of the beating is directed solely towards disciplining, and that corporal punishment remains lawful in home and in alternative care settings. The Committee is further concerned that violence in schools, including the use of corporal punishment by teachers, has been increasing in all six governorates of the country.

42. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to repeal article 26 of Act No. 16/1960 and prohibit corporal punishment unequivocally in all settings as it committed to do in 2010 in the framework of the universal periodic review (A/HRC/15/15, para. 79.10). The State party should also:**

(a) **Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice; promote positive, non-violent and participatory forms of child-rearing and discipline; and establish a child-friendly complaints mechanism;**

(b) **Take active measures to address violence in schools; and**

(c) **Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against corporal punishment of children.**

Abuse and neglect

43. The Committee is concerned about the lack of provisions in the Penal Code criminalizing domestic violence, including marital rape. The Committee is also concerned that:

(a) The State party has still not developed a comprehensive system for detecting and investigating all cases of child abuse and neglect and providing referrals for consultation and the rehabilitation of abused children;

(b) Even in cases where beatings result in extreme physical or psychological harm to the child and where children show clear signs of such harm, ill-treatment of children is seldom denounced by school personnel, legal proceedings are rarely engaged

against perpetrators of violence and in many cases police refrain from interfering when a victim of domestic violence requests their help, due to the widespread assumption that parents have the right to beat their children; and

(c) Children subjected to family violence are rarely removed from their families, as no shelters exist to accommodate victims of domestic violence.

44. The Committee urges the State party to criminalize domestic violence, including marital rape. The Committee also reiterates its recommendations (CRC/C/15/Add.96, para. 22) that the State party:

(a) Undertake multidisciplinary studies on the nature and scope of ill-treatment and abuse, including physical, emotional and sexual abuse, with a view to adopting adequate measures and policies in order to, inter alia, change traditional attitudes;

(b) Establish a special complaint mechanism for children to report such ill-treatment, domestic violence and abuse;

(c) Investigate all cases of abuse and ill-treatment of children, including all forms of abuse within the family, apply sanctions to perpetrators and ensure that publicity is given to decisions taken in such cases, with due regard being given to protecting the right of the child to privacy;

(d) Ensure that all child victims of abuse and neglect are provided with support and have access to a protective shelter and psychosocial support.

Harmful practices

45. The Committee expresses serious concern that child marriage is permitted by law and that young girls in some sections of the population continue to be forcibly married by their families. The Committee is also deeply concerned about the extremely low sanctions (a maximum punishment of three years' imprisonment and a fine of 225 dinars (\$800)) pronounced against a man who sees his wife, daughter, mother or sister in the "act of adultery" and immediately kills her.

46. The Committee reiterates its recommendation that the State party take all appropriate measures, including awareness-raising campaigns with a view to changing attitudes, as well as counselling and reproductive education, to prevent and combat early marriages, which are harmful to the health and well-being of girls (CRC/C/15/Add.96, para. 28). The State party should repeal without delay all provisions under which perpetrators of crimes committed in the name of so-called honour receive attenuated sanctions and ensure that they receive sanctions commensurate with the gravity of their crime. The Committee further urges the State party to provide detailed information in its next periodic report on the measures taken to address the problem of crimes committed in the name of so-called honour.

Sexual abuse and exploitation

47. The Committee is seriously concerned that, according to article 182 of the Penal Code, a kidnapper/abductor will escape punishment if he legally marries the girl he kidnapped/abducted, provided that the marriage is approved by her guardian. The Committee is also concerned that the State party considers sexual abuse as crimes against so called "reputation" or "honour".

48. The Committee urges the State party to repeal article 182 of the Penal Code and ensure that all cases of sexual abuse and abduction of children are duly prosecuted and that perpetrators are brought to justice and given sanctions commensurate to the gravity of their crimes. The Committee also urges the State party to define and criminalize sexual abuse as sexual intercourse without consent.

Helpline

49. **The Committee recommends that the State party establish a three-digit toll-free 24-hour helpline available for all children at the national level, promote awareness of how children can access the helpline and provide the necessary human, financial and technical resources for its effective functioning.**

Freedom of the child from all forms of violence

50. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children and refrain from adopting and implementing policies that exacerbate rather than diminish violence. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) **Develop a comprehensive national strategy to prevent and address all forms of violence against children;**

(b) **Adopt a national coordinating framework to address all forms of violence against children;**

(c) **Pay particular attention to and address the racist and gender dimension of violence; and**

(d) **Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.**

F. Family environment and alternative care (arts. 5, 18 (paras. 1–2), 9–11, 19–21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

51. **The Committee expresses concern that parental responsibilities are still not equally assigned, fathers being considered as the sole legal guardians of their children under the State party’s family laws. The Committee is also seriously concerned about the wide range of discrimination against women within the family, which has an obvious negative impact on their children. The Committee is particularly concerned that:**

(a) **Repudiation of women and polygamy have not been prohibited despite the repeated recommendations made by treaty bodies;**

(b) **In cases of divorce between a Muslim man and a non-Muslim woman, custody of the children is automatically given to the father;**

(c) **In cases of divorce, Sunni mothers can keep their male children only until the age of 15 and their female children until they marry. Under Shia family law, mothers can keep their daughters only until the age of 7 and their sons until the age of 2;**

(d) **Women who remarry after a divorce lose custody of their children; and**

(e) **Single mothers or teenage parents may be authorized to keep their children, but may also be required by the Ministry of Social Affairs and Labour to abandon them.**

52. **The Committee urges the State party to ensure that mothers and fathers equally share the legal responsibility for their children in accordance with article 18, paragraph 1, of the Convention. The Committee also urges the State party to:**

(a) **Repeal all provisions in family laws that discriminate against women and have a negative impact on their children, such as those that authorize polygamy and repudiation;**

(b) **Review its legislation relating to the custody of the child, with a view to ensuring that all decisions taken respect the best interests of the child in line with articles 3 and 12 of the Convention and that children can no longer be removed from their mother's custody if she remarries or if she is non-Muslim; and**

(c) **Respect the right of children born out of wedlock to identity and to live with their biological parents and ensure that no couples or single women are required to abandon their children born out of wedlock but rather are provided with support to care for them.**

Children deprived of a family environment

53. The Committee is concerned that:

(a) Only children of dysfunctional families, up to the age of 10 for boys and 13 for girls, are provided with a place in a shelter in the system of welfare homes of the Department of Family Care within the Ministry of Social Affairs and Labour;

(b) Children of known parentage abandoned by their parents are reportedly sent to live in hospitals for an undetermined period of time, where they are deprived of their rights and exposed to infections and diseases and where their financial needs are covered by hospital staff or visitors; and

(c) Caregivers, social workers and qualified specialists are lacking in children's homes and that these care institutions are not regularly assessed.

54. **In the light of the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:**

(a) **Review its legislation and provide special protection and assistance for all children deprived of their family environment, in line with article 20 of the Convention;**

(b) **Remove without delay all children placed in hospitals and provide them with family-like settings, such as foster families or small group settings in residential care;**

(c) **Take concrete measures, and in particular recruit and properly train personnel, to meet the specific psychosocial and other needs of children without parental care; and**

(d) **Undertake a full assessment of the quality of alternative care institutions.**

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)

Children with disabilities

55. While welcoming the adoption of Act No. 8/2010 on the Rights of Persons with Disabilities and the establishment of the Higher Council for Persons with Disabilities, the Committee is concerned that:

(a) Bidoon children with disabilities are not included as beneficiaries of Act No. 8/2010;

(b) Although Act No. 8/2010 refers to inclusive education, children with disabilities continue to be enrolled in special schools or are concentrated in one classroom in private schools;

(c) School teachers in ordinary schools are not trained to support children with disabilities;

(d) Private and public recreational and social buildings remain inaccessible to children with physical or hearing impairments; and

(e) Social stigma, fears and misconceptions surrounding children with disabilities remain strong in Kuwaiti society.

56. Drawing attention to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

(a) Adopt urgent measures to address the situation of bidoon children with disabilities in terms of their right to have access to suitable health care, education and rehabilitation services depending on their particular disability;

(b) Develop a comprehensive national strategy to expand inclusive education in order for all children with disabilities to benefit from a quality inclusive education system, irrespective of their different capacities;

(c) Provide to all schools sufficient numbers of specialist teachers and professionals offering individual support and ensure that all professionals are adequately trained so that all children with disabilities can effectively enjoy their right to quality inclusive education;

(d) Adopt concrete measures to eliminate obstacles and barriers to indoor and outdoor facilities; and

(e) Undertake awareness-raising campaigns aimed at the government, the public and families to promote the positive image of children and adults with disabilities and their role as active participants in and contributors to society.

Health and health services

57. The Committee is seriously concerned that bidoon families continue to face obstacles that, in many instances, result in their being deprived of access to adequate health care, including post-surgery rehabilitation treatment.

58. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee urges the State party to take immediate measures to ensure that all bidoon children receive without delay all medical care and treatment required by their health condition.

Adolescent health

59. The Committee remains concerned about the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide. The Committee also expressed concern that abortion is allowed only when the mother's life is threatened and is criminalized in all other circumstances.

60. Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee reiterates its recommendation (CRC/C/15/Add.96, para. 27) that the State party undertake a comprehensive and multidisciplinary study on adolescent health problems, with data disaggregated by age and gender, to serve as the basis for developing and promoting adolescent health policies and establishing a network of

accessible and confidential reproductive health services. The Committee also recommends that the State party review its legislation concerning abortion, with a view notably to guaranteeing the best interests of pregnant teenagers, and ensure by law and in practice that the views of the child always be heard and respected in abortion decisions.

Mental health

61. The Committee notes with concern the absence of a legislative framework to regulate mental care. In this context, the Committee is seriously concerned at reported cases of girls with no mental illness arbitrarily placed by their families in mental care institutions for indeterminate periods of time.

62. **The Committee urges the State party to adopt without delay a law regulating mental care. It also urges the State party to ensure that girls arbitrarily placed in mental care be removed without delay from mental care institutions and that proper medical screening be systematically conducted before admitting girls to hospitals.**

H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

63. The Committee welcomes the achievements of the State party in the field of education. The Committee is however concerned that bidoon children cannot be enrolled in public schools and that a significant proportion continue to be deprived of their right to education, as State funding for access to private schools is not provided to bidoon children who fail their exams or to those whose parents have security offences registered in their names, and is insufficient to allow all children from a bidoon family to go to school. The Committee is also concerned that schools for bidoon children are characterized by lower educational standards. The Committee is further concerned that:

(a) Girls who get married are not allowed to attend day school and are automatically transferred to evening classes; and

(b) Sexual harassment cases between pupils are not properly dealt with and that frequently the harassers are transferred to other schools where they can continue to harass other children.

64. **The Committee urges the State party to establish an inclusive education system for all children, regardless of individual differences or difficulties, ethnic or cultural background, or socioeconomic status, in order to build a society that is genuinely inclusive, that values differences and that respects the dignity and equality of all human beings regardless of differences. In this respect the State party should:**

(a) **Take immediate measures to put an end to the segregation between Kuwaiti and bidoon children in schools and ensure that the latter have full access to public schools without discrimination. Until all bidoon children are included in the public school system, the State party should take interim measures to ensure that bidoon children have effective access to private schools for the school year 2013/14 without any fee being requested from their families;**

(b) **Repeal without delay all provisions that prevent married girls from attending day schools and ensure that their rights are respected therein; and**

(c) **Properly address cases of sexual harassment in schools by taking preventive measures and ensuring that child victims and children who harass their peers are provided with psychological support and counselling.**

Early childhood development

65. **The Committee recommends that the State party adopt a comprehensive national policy for early childhood education and development and ensure that all children have access to high-quality early childhood care and education opportunities without discrimination.**

Rest, leisure, recreation and cultural and artistic activities

66. The Committee expresses concern that the Ministry of Education often intervenes under alleged pressure from conservative members of the Parliament to restrict and stop cultural and artistic activities in schools. The Committee notes in particular that in April 2012, the Ministry of Education reportedly ordered the American University of Kuwait to cancel a licensed musical concert after pressure was exerted by Parliament members.

67. **The Committee draws the State party's attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts. The Committee underlines that play and recreation are essential to the health and well-being of children and that it is through cultural life and the arts that children and their communities express their specific identity and the meaning they give to their existence. The Committee therefore urges the State party to respect and abstain from interfering in the child's access to, choice of and engagement in such activities.**

I. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)–(d), 32–36 of the Convention)**Asylum-seeking and refugee children**

68. The Committee welcomes the cooperation between the authorities of the State party and the Office of the United Nations High Commissioner for Refugees (UNHCR), and encourages the State party to continue and strengthen such cooperation. The Committee, however, regrets that the State party has not regularized the status of refugees and asylum seekers or enacted laws allowing their children to enjoy their rights under the Convention and its Optional Protocols.

69. **The Committee recommends that the State party regularize the status of refugees recognized by UNHCR by enacting national laws allowing children of refugees and asylum seekers who reside in Kuwait to enjoy their right to education and health care.**

Economic exploitation, including child labour

70. The Committee notes as positive the adoption of the Private Sector Labour Code (Act No. 6 of 2010), which prohibits the employment of children under the age of 15. The Committee is however concerned that, due to the marginalized situation of their families, bidoon children drop out of school and work on the streets or as domestic workers.

71. **The Committee urges the State party to address the root causes of poverty and of the economic exploitation of bidoon children and ensure that families living in poverty receive financial support and free and accessible services and that their children do not drop out of school.**

Children in street situations

72. The Committee is deeply concerned that a number of stateless, expatriate and migrant children resort to selling goods on the street in dangerous conditions. The Committee is also concerned that these children may be considered as subject to

“perversity” in accordance with article 1 of the Juveniles Act and may therefore be prosecuted and placed in social homes.

73. **The Committee urges the State party to:**

(a) **Address the root causes of such issues as poverty, statelessness and discrimination, as well as school dropout;**

(b) **Strengthen the support and assistance for families with children working on the street and take concrete measures to enable them to have access to a decent source of income; and**

(c) **Set up programmes and reporting mechanisms that provide children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation and to assist and advise them.**

Follow up to the Committee’s previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict

74. The Committee regrets that no information was provided in the report of the State party on the implementation of its concluding observations of 2008 on the State party’s initial reports under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KWT/CO/1) and the Optional Protocol to the Convention on children in armed conflict (CRC/C/OPAC/KWT/CO/1), and that insufficient information was contained in the written responses of the State party in this respect.

75. **The Committee urges the State party to implement the recommendations contained in its concluding observations on the State party’s initial reports under the two Optional Protocols to the Convention and to provide comprehensive information in this regard in its next periodic report.**

Administration of juvenile justice

76. The Committee commends the State party for the significant improvement in detention conditions of juveniles over the reporting period. The Committee is however concerned that:

(a) The age of criminal responsibility remains 7 years, which is well below internationally accepted standards;

(b) Although only children above 15 years can be subjected to deprivation of liberty, the State party is considering amending Act No. 3 of 1983 and reducing the age for imprisonment from 15 to 14 years;

(c) Children, especially girls, considered as being “at risk” and/or subject to so-called perversity can and have been deprived of their liberty at the request of the juvenile police, the Ministry of Education or the child’s guardian and have been detained in social hosting homes, in some cases with convicted girls; and

(d) Law enforcement officers are not obliged to inform children of the charges pressed against them at the time of their arrest but only during interrogation. There is, in addition, no obligation to provide a certified translator for children who do not speak Arabic during custody and interrogation.

77. **In the light of its previous recommendation (CRC/C/15/Add.96, para. 32), the Committee recommends that the State party strengthen its efforts to build a system of restorative and rehabilitative juvenile justice fully in line with the Convention, in**

particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:

- (a) Raise the minimum age of criminal responsibility to an internationally accepted level;
- (b) Refrain from lowering the age where deprivation of liberty can be imposed and to ensure that detention is used as a measure of last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to its withdrawal;
- (c) Take immediate and concrete measures for all girls detained on the ground of "possible perversity" to be released without delay and review all laws that have permitted their detention; and
- (d) Ensure by law and in practice that children, both victims and accused, are provided with effective and adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings and that interpreters are provided for children who do not speak Arabic at all stages of the judicial process.

J. Ratification of international human rights instruments

78. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify all core human rights treaties to which it is not yet a party, in particular the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the optional protocols to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.

K. Follow-up and dissemination

79. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, the National Assembly, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

80. The Committee further recommends that the second periodic report and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

L. Next report

81. The Committee invites the State party to submit its combined third to sixth report by 19 November 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

82. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).
