



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
Forty-seventh session  
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**WRITTEN REPLIES SUBMITTED BY THE GOVERNMENT OF KUWAIT  
TO THE LIST OF ISSUES (CRC/C/OPAC/KWT/Q/1) TO BE TAKEN UP IN  
CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT  
OF KUWAIT SUBMITTED UNDER ARTICLE 8 (1) OF THE OPTIONAL  
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD  
ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT  
(CRC/C/OPAC/KWT/1)\***

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\* The annexes to this report (in Arabic) may be consulted in the Secretariat's files.

***Q1. Please provide information on the competent governmental departments or bodies responsible for the coordination and implementation of the Optional Protocol. Please also indicate if there is any mechanism available for monitoring and periodically evaluating its implementation.***

1. All the authorities have competence for the implementation of the Optional Protocol which has already become part of Kuwait's domestic law. Specifically, however, the Ministry of Defence and the Ministry of the Interior bear the main responsibility for implementation, even if all government bodies are also concerned with the application of the Protocol, insofar as the Protocol has become domestic law. The Juvenile Welfare Department of the Ministry of Social Affairs and Labour was entrusted with receiving and caring for juvenile delinquents and juveniles at risk of delinquency placed in institutions under its control as a measure to ensure their care, rehabilitation and social reintegration. The Ministry is responsible for implementing the Optional Protocol in conformity with its terms of reference under the Decree of 7 January 1979 establishing the Ministry.

***Q2. Please provide information on budget allocations for the implementation of the Optional Protocol.***

2. As regards budget allocations for the implementation of the Protocol, we would like to point out that, according to the figures on delinquency in the table annexed to this report, which covers the period 2004-2006, there were no recorded cases of the offences referred to in the Protocol. Consequently, there is no budget allocation to deal with such issues.

***Q3. Please provide information on measures taken to disseminate information on the Optional Protocol, including, but not limited to, its integration as part of human rights education in school curricula.***

3. The curricula of the Ministry of Education have been developed to include the dissemination of civic education and to acquaint students with the human rights guaranteed in international instruments and the Constitution. Two additional courses, civics and a course entitled "My country, Kuwait", have been introduced in the primary education syllabus, and are taught for three years starting from the third grade of primary school. The Constitution and human rights are taught in secondary school, where students are informed about the principal rights and duties laid down in the Constitution and international declarations and conventions on human rights.

***Q4. Please provide information on whether the provisions of the Optional Protocol have been fully incorporated into domestic law and if not, please provide information on the measures required to do so. In particular, please indicate whether there is any legal provision criminalizing forced recruitment or involvement in hostilities of a person under the age of 18 by armed forces other than the Kuwaiti military.***

4. The issues raised in the Optional Protocol regarding the involvement of children in armed conflict and similar offences are already regulated in domestic law: the laws on the army and conscription and on voluntary enrolment in the police, as well as other legislation, prohibit

the enlistment of persons under the age of 18 in any of these forces. Detailed information on this matter is provided in the report of the State of Kuwait on the involvement of children in armed conflict (pp. 4-6).

***Q5. Please provide information on how Kuwaiti legislation would provide protection against the involvement/recruitment of children in situations of armed conflict by armed groups, including, inter alia, armed groups that are recruiting from across borders.***

5. Under Kuwaiti legislation persons under the age of 18 have diminished legal capacity, or none at all if they are under the age of 7, and therefore they are also deemed to lack or to have diminished legal discretion. In the light of that principle, it is an offence under articles 179 to 185 of the Kuwaiti Criminal Code to abduct such persons, restrict their rights or exploit them. It is thus an offence punishable by law to remove them from Kuwait to another country. If this is compounded by their involvement in armed conflict waged by terrorist organizations or militias, the presumed perpetrator shall be subject to the full rigour of the Criminal Code provided that he is a Kuwaiti national and is subject to the provisions of articles 11 to 13 of the Criminal Code.

***Q6. Please provide detailed information as to whether Kuwait assumes extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities. Also in relation to extraterritorial jurisdiction, please indicate whether Kuwaiti courts can establish their jurisdiction in case of forced recruitment or involvement in hostilities of a person under 18 if committed outside Kuwait, by or against a Kuwaiti citizen. Please also clarify whether, in the case that extraterritorial jurisdiction has been assumed, there is a requirement of double criminality for such offences.***

6. Please refer to the information provided in subparagraph (a) of the reply to question 7 on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; articles 11 to 13 of the Criminal Code contain provisions on territorial jurisdiction of the Criminal Code and jurisdiction over the offences covered by its provisions.

***Q7. Please provide information on the link between military schools in Kuwait and the Kuwaiti armed forces, particularly on steps taken to ensure that enrolment of children in military schools does not expose them in any way to situations of armed conflict or encourage their recruitment into the armed forces before the age of 18.***

7. There are no military schools in Kuwait that admit persons aged under 18. The relevant provisions of the Optional Protocol thus do not apply to Kuwait.

***Q8. Please inform the Committee whether Kuwait intends to become a party to the Rome Statute of the International Criminal Court which criminalizes conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities as a war crime (art. 8, para. 2 (b) (xxvi)).***

8. The State of Kuwait is already a signatory of the Statute of the International Criminal Court.

***Q9. With regard to the legal protection of asylum-seeking, refugee and migrant children, including those who may have been recruited or used in hostilities contrary to the Optional Protocol, please inform the Committee whether Kuwait is considering becoming a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.***

9. The State of Kuwait, believing as it does in the justice and humanity of the refugee cause, has addressed this humanitarian issue in accordance with the applicable humanitarian standards, and therefore complies with the principle of non-refoulement, whereby persons may not be deported or returned to their country of origin if there is evidence that they are likely to be in danger there.

10. Article 46 of the Constitution of the State of Kuwait prohibits extradition of political refugees.

11. The bilateral, multilateral or regional agreements on extradition or legal cooperation that the State of Kuwait has concluded, and which have been incorporated in Kuwaiti domestic law, contain provisions that prohibit extradition for political offences under the conditions laid down in those agreements.

12. In 1996, the State of Kuwait signed a cooperation and office agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) defining the tasks to be undertaken by UNHCR through its Office in the State of Kuwait. UNHCR plays an important role in protecting and monitoring the situation of refugees and, acting in cooperation and consultation with the Kuwaiti Government, provides international protection to refugees and other persons who fall within the scope of its mandate in accordance with its Statute and the other relevant resolutions concerning UNHCR, as adopted by the General Assembly of the United Nations. It seeks permanent solutions to their problems by facilitating their voluntary return to their countries of origin, or their assimilation within new national communities. UNHCR, acting in cooperation with the Government, also organizes and provides humanitarian assistance for the refugees. In accordance with Decision No. 422 of the Council of Ministers, the budget for the Kuwaiti Ministry of Foreign Affairs includes an allocation to support UNHCR amounting to US\$ 200,000 per annum.

13. The Kuwaiti Government also facilitates access by the staff of the UNHCR Office to all the refugees and persons of concern to UNHCR in accordance with its Statute.

14. At the international level, the State of Kuwait has endeavoured to support international humanitarian efforts to alleviate and eliminate the suffering of refugees in various parts of the world, and has consistently provided material and moral support for the activities of UNHCR, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the International Committee of the Red Cross (ICRC).

15. This is just one aspect of the humanitarian services and facilities which the State of Kuwait has consistently provided to refugees. It has constantly endeavoured to combat inhuman practices and to honour its international commitments.

***Q10. With reference to article 7 of the Optional Protocol, please provide information on screening, rehabilitation, social reintegration and other services provided to children recruited or used in hostilities.***

16. The children who are the subject of concern of the Optional Protocol benefit from the programmes, activities and social, psychological, educational, health, subsistence and security services that the State provides for child victims of crime.

***Q11. Please indicate whether the State party is engaged in any activity of regional and/or international cooperation related to implementation of the Optional Protocol.***

17. For information on participation by the State of Kuwait in international cooperation on the issues covered in the Protocol, please refer to the annex on the subject.

18. Lastly, we would like to point out that the State of Kuwait, through all its authorities, in particular the Ministry of Social Affairs and Labour, will spare no effort to provide full legal guarantees to protect children from abuse, whatever form such an offence may take, in particular in regard to the sale of children, child prostitution and child pornography, and the involvement of children in armed conflict. Neither will it spare any effort to provide all the necessary services for the social reintegration of child victims. The State of Kuwait considers these children to be victims of crime who are entitled to welfare services, even when the abuse results in mental impairment or a mental, physical or psychological disability, in which case the Higher Council for the Disabled is responsible for providing services for them.

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