



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-fourth session

Summary record of the 1820th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 18 September 2013, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Second periodic report of Kuwait (continued) (CRC/C/KWT/2; CRC/C/KWT/Q/2 and Add.1; CRC/C/KWT/CO/2)

1. *At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.*
2. **Mr. Alsalimi** (Kuwait) said that measures applicable to young offenders and youth at risk of delinquency under the age of 15 ranged from a reprimand to the appointment of a guardian or placement in a special institution administered by the Ministry of Social Affairs and Labour; their purpose was protection, readaptation and reinsertion of young people into society. In addition, the Ministry of Social Affairs and Labour had worked together with the Ministry of Justice to prepare a bill envisaging the creation of psychological counselling centres for young offenders and youths exposed to delinquency.
3. **Mr. Cardona Llorens** said that he would like more information on measures applied to young offenders between the ages of 7 and 15. He would also like to know whether minors at risk of committing an offence were subject to the same treatment as minors in conflict with the law, and whether they were placed in the same institutions as offenders.
4. **Mr. Alsalimi** (Kuwait) said that the Juveniles Act enumerated circumstances under which minors were at risk of delinquency. Minors meeting those criteria were considered to be victims, and were taken in hand by a child protection service. Within institutions, young offenders were kept apart from children at risk of delinquency. There were also centres specially designated for minors at risk.
5. Decisions on measures applicable to young offenders between the ages of 7 and 15 were taken by a juvenile court. Children could be represented by counsel; their cases were heard in chambers.
6. **Mr. Kotrane** asked whether cases concerning minors between the ages of 15 and 18 were also heard by a juvenile court or by a court for adults. He would also like to know whether that category of youths benefited from the provisions in the new Criminal Code reducing the length of pretrial detention.
7. **Mr. Alsalimi** (Kuwait) confirmed that the length of pretrial detention had been reduced for both children and adults in the new Criminal Code.
8. There was no discrepancy between the various Kuwaiti laws determining the age at which childhood ended. The Juveniles Act and the Labour Code both set the age of majority at 18. The draft children's law presented to the Council of Ministers explicitly stated that childhood ended at age 18.
9. **Mr. Alharbi** (Kuwait) said that violence in schools was uncommon. The Ministry of Education organized a large number of leisure activities designed to channel children's energy. School curricula sought to instil the principles of non-violence and tolerance. No form of violence was permissible, either physical or psychological, and neither were corporal punishment or humiliation. Disciplinary measures were taken against those who did not abide by those rules of conduct.
10. **The Chairperson**, speaking as a member of the Committee, asked whether schools had anti-bullying programmes, addressing both physical violence and harassment.
11. **Mr. Alharbi** (Kuwait) said that the Ministry of Health, the Ministry of the Interior and the Ministry of Social Affairs and Labour were jointly coordinating an awareness programme to combat violence.

12. With respect to information-sharing, he said that the Ministry of Education had published a manual on the rights of the child and the Convention, and the Ministry of Foreign Affairs was about to publish a text on that topic.

13. A programme had been created to implement the right to play, as reorganized by the Convention. It promoted play as a means of instruction, in particular for preschool and primary school pupils.

14. The right to education was guaranteed for girls who married under the age of 18; they had the option of attending evening classes.

15. **The Chairperson**, speaking as a member of the Committee, asked whether those girls could go to school during the day if they so wished.

16. **Mr. Gastaud** (Coordinator, Country Task Force) asked whether the State party had assessed the extent to which children in Kuwait were aware of the Convention. He also wished to know whether play, a collectively organized activity, could also be practised on an individual basis.

17. **Mr. Alharbi** (Kuwait) said that girls who married were automatically transferred to evening classes. He also informed the Committee that the Ministry of Education was conducting studies to assess the impact of human rights education on children. As for play, he said that children could choose to play on their own or within a collective structure. No rule of any kind was imposed.

18. **The Chairperson**, speaking as a member of the Committee, asked what support was given to children who were victims of sexual harassment.

19. **Mr. Madi** (Country Task Force) asked whether all the girls who attended night classes were married.

20. **Ms. Aidoo** noted that, under the Convention, children must be able to develop their talents and abilities to their fullest potential. A 15-year-old girl, even if married, was still a child, and society should give her the chance to develop her potential by offering her the same educational opportunities enjoyed by others.

21. **Mr. Cardona Llorens** asked whether the domestic legislation prohibited children from attending concerts or from participating in cultural or artistic events. Were there restrictions on such activities?

22. **Mr. Alharbi** (Kuwait) said that there were measures in place to combat sexual harassment in schools and to provide rehabilitation and counselling for victims.

23. Married girls who wished to pursue their education were obliged to attend evening classes for both psychological and practical reasons: on the one hand, they did not have the same psychological disposition as unmarried pupils, and on the other, attending evening classes allowed them to reconcile their studies with their family obligations.

24. Girls had the right to attend concerts and other cultural events, as long as their participation did not infringe public morals. They were required to request prior permission from their parents or guardian, as well as from the Ministry of Education.

25. Schoolchildren's schedules were as full in Kuwait as elsewhere. Pupils had 35 hours of classes per week. Kuwaiti curricula were grounded in such universal principles as pacifism and respect for others, and were consistent with those in other parts of the world.

26. In partnership with the World Bank, numerous training programmes and workshops had been held with a view to helping Kuwaiti administrators and teachers design suitable curricula for schools and preschools. New training programmes for Kuwaiti teachers and administrators would also be launched with assistance from the World Bank.

27. The Rights of Persons with Disabilities Act, No. 8/2010, recognized the need to assimilate disabled children into the general education system. Pursuant to that Act, the Government was taking administrative and institutional measures to devise school curricula adapted to such children. However, children with severe disabilities continued to attend special educational institutions. A total budget of US\$ 3 million was allocated to schooling for disabled children.

28. **Mr. Cardona Llorens** said he welcomed the progress made by the State party in the area of legislation but nevertheless feared that the provisions adopted were not being properly implemented, particularly in view of the small number of disabled children in the general education system. He wondered to what extent diversity was considered when updating school curricula and teacher training programmes, and what efforts were made, in particular among parents, to combat bias against disabled children and to enhance their access to education.

29. **Mr. Alharbi** (Kuwait) said that differences among students, both in terms of culture and ability to learn, were taken into account in the design of school curricula.

30. Educational institutions contacted parents who did not wish to place their disabled children in the general system, to try to convince them that it was important not to isolate their children. The Government was striving to obtain consent from as many parents of disabled persons as possible, but it also respected their freedom of choice.

31. **Mr. Cardona Llorens** asked whether the decision to place a child in the general education system depended solely on the views of parents, or whether his or her best interests were also taken into account.

32. **Mr. Alharbi** (Kuwait) said that the State party was determined to act in the best interests of the child. That was why there were special schools for disabled children who were not enrolled in the general education system.

33. **Ms. Wijemanne** asked, with reference to early marriage, what measures the State party had taken to prevent early pregnancy, and whether pregnant girls were permitted to continue their schooling. She enquired what had been done to reduce the risks of maternal mortality, which were greater for girls under the age of 18. She would also like to know whether the Government provided reproductive health information and services to girls, and whether adolescents were given information about drug abuse and eating disorders.

34. **Mr. Alharbi** (Kuwait) said that early marriage was now extremely rare, that maternity was a married woman's right, and that the State could not prevent a woman from exercising her right to marry if she so wished.

35. As for questions raised regarding women's health, a programme had been launched in partnership with the Ministry of Health under which a text entitled "The Truth about Life" had been translated into Arabic. It was studied in the ninth grade, and alerted students to the dangers of drug use.

36. **Ms. Alshaigy** (Kuwait) said that extramarital sexual relations were forbidden.

37. There were primary care centres in all regions of Kuwait, many of them open around the clock. They offered parents, children and adolescents information on sexual and reproductive health as well as psychological counselling, for reasonable fees. Some offered special services for tobacco addiction and obesity; others offered treatment for pregnancy complications.

38. Information about reproductive health and contraception was also available in the 30 or so maternity clinics in Kuwait.

39. Moreover, the Government provided ongoing training to health providers. She emphasized the crucial role played by the obstetric gynaecology clinics, which distributed information about reproductive health to students in colleges and lycées.

40. Efforts were being made to encourage breastfeeding. The authorities had set up a committee to evaluate reports on breastfeeding, along with the rules governing breast-milk substitutes.

41. As for HIV/AIDS, she said that clinics had been set up in 2008 to permit future spouses to be tested for sexually transmitted diseases, in particular HIV/AIDS. Those clinics also offered vaccinations and treatments, as necessary.

42. **Mr. Mezmur** enquired how many children had a parent in prison, how many imprisoned parents had been sentenced to death, and how many had been executed. He would also like to know what measures were taken on behalf of children whose parents had been incarcerated or executed.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

43. **Ms. Alshaigy** (Kuwait) said that the Family Act, No.51/1984, regulated all matters related to marriage, divorce, maintenance and custody, as well as the right to inherit in the event of the father's death. Article 189 of that Act recognized the mother's right to custody of her child. If custody was not granted to the mother, the child would be entrusted to a grandmother or aunt. As a last resort, custody was given to the child's guardian. If there were several guardians, the judge would grant custody to the one he deemed most suitable for bringing up the child.

44. The care of children was a parental duty for so long as parents were united by marriage. If the mother took proper care of her children, she should not have them taken from her on the grounds that she worked. After divorce or separation, the mother had the right to continue to live in the family home, with the child, if the father was not in a position to provide him or her with alternative accommodation.

45. **Mr. Cardona Llorens** asked whether the best interests of the child were taken into account in the assignment of custody. He noted that under Kuwaiti law, a Muslim father systematically obtained custody if the mother was a non-Muslim, regardless of the ability of each to care for the child. He also observed that Shiite and Sunni law differed with respect to custody.

46. **Mr. Kotrane** observed that the law drew a distinction between custody and guardianship. The mother had custody, a recognition of her right to care for the child. Guardianship, however, was systematically given to the father or to male relatives, pursuant to article 110 of the Civil Code and article 209 of the Family Act. Without a legal judgement to the contrary, the mother could not acquire guardianship of her child. That meant that she had to request the father's permission for any administrative or other proceeding that concerned the child.

47. **Ms. Alshaigy** (Kuwait) confirmed that the father was systematically granted guardianship of the child, and that he was therefore financially responsible for the needs of the child and administered his or her resources, in keeping with the principle of the best interests of the child. He was also responsible for supervising the child's education. In exceptional cases, the mother would be granted guardianship if the judge deemed her more able than the father to cover the child's financial needs.

48. In cases where the child had no guardian, the Directorate of Minors' Affairs took charge of the child until the age of majority was reached. Such was often the case for minors whose parents were incarcerated or had been executed, and no member of the

family could be designated as guardian. The Ministry of Social Affairs and Labour was required to provide shelter to such children.

49. **Ms. Muhamad Shariff** (Country Task Force) asked what measures were taken in cases where maintenance was not paid.

50. **Mr. Kotrane** asked if the Government had considered amending the provisions related to guardianship and instituting a shared guardian and custody system. He noted that, if the father of the child was imprisoned, guardianship and custody should go to the mother and not to the nearest male relative. He asked whether the best interests of the child were indeed taken into consideration in decisions regarding guardianship and custody and whether that principle was reflected in the law.

51. **The Chairperson**, speaking as a member of the Committee, asked whether the State party intended to ban polygamy.

52. **Ms. Abdelrahman** (Kuwait) said that the Personal Status Act provided that the parent who did not have custody was required to pay maintenance, even if he or she lived abroad. In the event of default, the case was referred to the courts. Kuwait, which had ratified the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, recognized judgements handed down by foreign courts concerning the payment of maintenance.

53. **Mr. Razzooqi** (Kuwait) said that, although all international instruments ratified by his country were incorporated into domestic law, Kuwait must also respect the principles of sharia, which constituted a source of law. It strove to reconcile the two sources, which were not incompatible. Although polygamy was still permitted, cultural attitudes were changing, and it had therefore begun to disappear.

54. **Ms. Alshaigy** (Kuwait) said that, using public funds, the Ministry of Social Affairs and Labour had opened shelters for orphans, children without parental care, and children born of unknown parents. Children whose parents were unknown were issued a birth certificate and a normal identification card that bore no mention of their unknown parentage. Foster families received a monthly allowance of 560 Kuwaiti dinars for the maintenance of the child entrusted to them. The offices of the Ministry of Social Affairs and Labour monitored the family's treatment of the child and could intervene in case of need.

55. **Mr. Cardona Llorens** asked if the courts took into consideration the best interests of the child when sentencing a parent to death, and whether images of executions, — often disturbing to children, — were indeed published in the media.

56. **Mr. Gastaud** asked whether there was unrestricted access to Internet sites, whether children had the right to form associations, and whether freedom of religion was upheld.

57. **Ms. Muhamad Shariff** asked whether it was true that children born of unknown parents were placed in hospitals rather than in foster families.

58. **Mr. Razzooqi** (Kuwait) said that unfortunately it was difficult to prevent the publication, in particular on the Internet, of images of executions. In any event, Government agencies did not deliberately distribute such images. The courts did take into account the best interests of a child before sentencing a parent to death.

59. **Ms. Abdelrahman** (Kuwait) explained that courts could commute the death sentence of a pregnant or nursing mother into a prison term.

60. **Mr. Alsalimi** (Kuwait) said that orphans placed in foster homes remained under the protection of the State until the age of 18, or 21 if they had no family or means of subsistence. They received schooling and had the right to work.

61. He explained that the Personal Status Act did not apply to persons of the Shiite faith; they were guided by Ja'fari doctrine, which stipulated that, in the event of divorce, custody of the child fell to the mother, unless she was not able to assume her obligations, in which case the child was entrusted to the father. From the age of 9, girls were allowed to decide if they preferred to live with their father or with their mother; boys were not given that prerogative until they turned 14. Children did not have the right to form associations because they were not deemed sufficiently mature to assume financial or other responsibilities that might arise from such an undertaking.

62. **The Chairperson**, speaking as a member of the Committee, asked if it was true that divorced Shiite mothers lost the custody of daughters at 7 years old and sons at 2.

63. **Mr. Alsalmi** (Kuwait) said that that rule applied, except in cases where the father was not in a position to provide proper care to his children.

64. **Mr. Razzooqi** (Kuwait) assured the Committee that Kuwait, with 190 nationalities on its territory, respected the principle of freedom of religion.

65. **Ms. Alshaigy** (Kuwait) said that a decision had been made to grant 11 privileges to foreigners in irregular situations, including free education and health care, birth certificates, divorce certificates, work permits and food vouchers. Disabled foreigners enjoyed the same rights and services as Kuwaiti disabled persons.

66. **The Chairperson**, speaking as a member of the Committee, asked whether the right to education of a Bedouin child was guaranteed, and whether abortion was permissible in cases where pregnancy resulted from rape.

67. **Mr. Madi** asked for clarifications on the division of persons in irregular situations into three categories. He would like to know whether the privileges mentioned were given to all on an equal basis.

68. **Ms. Alshaigy** (Kuwait) said that school fees for children in irregular situations were paid by the State, from a benevolent fund for education. The three categories were: persons with previous criminal convictions whose case must be evaluated by the authorities; persons with a right to nationality who had taken steps to acquire it; and persons awaiting the regularization of their status, a process resulting in a five-year residency permit. All such persons, regardless of category, were given free education and health care.

69. **Ms. Alfadeli** (Kuwait) said that abortion was authorized only in cases where the mother's life was at risk. Rape was not a valid ground.

70. **Mr. Almutairi** (Kuwait) said that family violence and sexual violence were forbidden, and punishable by imprisonment. Parents and guardians had the right to discipline their children for learning purposes, so long as violence was not used.

71. **Ms. Alfadeli** (Kuwait) said that a draft law on combating family violence and on child assistance services was under consideration.

72. **Mr. Madi** thanked the delegation of Kuwait for its replies; he hoped that the comprehensive law on the rights of the child would soon be adopted and that the State party would ratify the Optional Protocol on a communications procedure.

73. **Mr. Razzooqi** (Kuwait) said that the competent authorities would forward in writing to the Committee their replies to questions that the delegation had been unable to answer.

The meeting rose at 1.05 p.m.