



child rights connect  
formerly the ngo group for the crc

## STATE PARTY EXAMINATION OF KUWAIT'S SECOND PERIODIC REPORT

64<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 SEPTEMBER – 4 OCTOBER

### Contents

Opening Comments.....	<b>Error! Bookmark not defined.</b>
General Measures of Implementation.....	<b>Error! Bookmark not defined.</b>
Definition of the Child .....	<b>Error! Bookmark not defined.</b>
General Principles .....	3
Civil Rights and Freedoms.....	<b>Error! Bookmark not defined.</b>
Family Environment and Alternative Care.....	7
Basic Health and Welfare .....	<b>Error! Bookmark not defined.</b>
Education, Leisure and Cultural Activities.....	8
Special Protection Measures .....	10
Concluding Remarks .....	11

*Kuwait ratified the Convention on the Rights of the Child (CRC) on 21 October 1991. On 17 and 18 September 2013, the Committee on the Rights of the Child (the Committee) examined the second periodic report of Kuwait. It was last examined on 19 September 1998. The State has a general reservation that applies to all provisions of the CRC.*

### Opening Comments

The delegation of Kuwait was led by H.E. Dharar Abdul Razzak, Ambassador and Permanent Representative of Kuwait to the UN. He was supported by a large delegation consisting of representatives from the Ministry of Foreign Affairs, the Ministry of Social Affairs and Labour, the Ministry of Education, the Ministry of Health, the Ministry of Interior, the Central Agency for Illegal Residents, the Women's Affairs Committee, the Ministry of Justice and the Public Prosecution.

Mr Razzak emphasised that the CRC is based on the respect and dignity of human beings and that the rights of the child are paramount. Mr Dharer presented achievements made in relation to child rights such as the ratification of the CRC, pursuant to Amiri Decree No. 104 of 1991, making the CRC part of national legislation. He noted that the High Committee for Human Rights in Kuwait had been created in 2008; the High Council for the Family in 2005; the Women's Affairs Committee in 2002; and the Fourth Central Agency for Illegal Residents in 2010.

Mr Razzak further stated that child rights had affected social health policies such as the introduction of the provision of pre-natal care. Children in conflict with the law had also been protected by the provision of legal guarantees such as a fair trial and detention in child-specific places. He highlighted that these children were victims of their social situation. Mr Razzak explained that there was legal accountability for people that abused children and alternative care environments were provided for these children such as foster families. The head of the delegation emphasised the importance of the Central Agency for Illegal Residents which had attempted to create a comprehensive programme to deal with illegal residents

which had resulted in the creation of a new law in 2011 which had entitled residents to more rights, namely access to medical treatment.

Mr Razzak noted that Kuwait was a modern country which had made continued efforts in order to promote human rights, such as the draft law on the new Children's Code. He welcomed all queries from the Committee and thanked them again for their work.

Mr Cardona and Mr Gastaud, the Country Rapporteurs, welcomed the Kuwaiti delegation and thanked them for the information presented about Kuwait. Mr Gastaud noted that the measures taken in the recent period for the improvement of children's rights had been substantial, numerous and positive.

## **General Measures of Implementation**

### ***Legislation***

The Committee commended Kuwait's work towards a Children's Code but asked why the code did not include a comprehensive national action plan or a specific national strategy on the rights of the child. A particular area of concern for the Committee was the inferior legal position of the CRC in relation to Kuwaiti Islamic law, which the Committee believed limited its impact. Furthermore, the Committee raised concern about the State's reservations on article 7 and 21 and requested the State to lift these reservations.

The delegation assured the Committee that when the State was party to an international agreement, those agreements were considered part of Kuwaiti law and therefore a source of law to be applied in courts. However it highlighted that because Kuwait was a Muslim country, Islamic Shari'a was also a source of law.

The delegation provided information on the draft Children's Code, which it explained would establish a Higher Council for Childhood (article 59). It added that implementation measures would be co-ordinated in order to achieve the objectives of the draft law. The situation of children would be considered in all aspects, including education, health, culture, which would be reported on to the Council in order to measure the achievements of the new law. The delegation indicated that the draft law had been given priority in Kuwait and there was a specialised committee in the assembly to manage its implementation. It explained that many experts and specialists would be consulted for their views on the draft law, including civil society organisations.

### ***Dissemination and training***

The Committee noted that Kuwaiti children did not seem to be familiar with the CRC. It asked for more details about the drafting of the periodic report to establish whether it had been drafted in consultation with children or organisations that represent children.

The Committee asked for specific details about the dissemination of the CRC. It enquired whether children's books were used as a learning resource in schools and how many hours were allocated for these lessons. It also asked for clarification about the book that had been published and whether it was destined for children or professionals and whether the State had conducted any evaluation of the society's knowledge of the CRC for people that have to apply it in practice.

The delegation explained that the dissemination of the CRC had been carried out through the Ministry of Education and was taught as a separate subject in schools. Children's rights were taught alongside the CRC during classes. The Ministry had also drawn up a human rights project to publish a book which refers to the various provisions. There were also civil society

organisations that had their own publication regarding children's rights. The delegation said that there were workshops organised for the relevant professionals dealing with child rights. The Committee asked for clarification about the book mentioned by the delegation. The delegation explained that the book focuses on children's rights and the CRC.

### ***Budget***

The Committee was concerned that there was a lack of information about the budget in the periodic report. It asked whether there was a special budget for children and for the promotion of the CRC. It further queried whether there were meetings held specifically to discuss the allocations of funds for the implementation of child-specific laws, policies and programmes.

The delegation explained that every ministry had a budget which may be up to 3 million dollars. At times separate Committees had been established which had separate budgets.

The Ministry of Social Affairs and Labour was particularly concerned with issues related to children. It had a budget of 213 million litres that was used for foster families. Furthermore, the budget for addressing minors in conflict with the law between March 2012 and March 2013 was about 8 million US dollars. There was also a programme specifically created for children, the total expenditure for which was 1.8 billion US dollars, which was used for training, workshops, fairs, environmental activities and parenting courses.

The budget of the Ministry of Health had recently been increased. Furthermore, there was a new directorate for school health which attributed additional funds for school clinics. With this budget, five new hospitals had been built which had paediatric and maternity wings, as well as a separate specialised paediatric hospital.

### **Definition of the child**

The Committee asked about Kuwait's definition of the child in law and highlighted various contradictions such as the age of criminal responsibility being set at seven; the marriage age being 15 for girls and 17 for boys; and the age of majority being 21. It asked when a comprehensive law for the definition of a child would be put into practise.

The delegation explained that although the marriage ages were 15 and 17 this did not mean that childhood ended at these ages. When Kuwait succeeded to the CRC it did not issue a reservation on article 1 because the State believed in the rights of children. Furthermore the delegation added that the CRC was fully compatible with the State's national laws. The delegation explained that there were no contradictions in the national law. The aforementioned laws did not necessarily determine the age of the child.

### **General Principles**

#### ***Non-Discrimination***

The Committee stated that although measures taken in the last period for the improvement of children's rights had been substantial, numerous and positive, they mainly covered children of Kuwaiti nationality. It noted that other children who did not have Kuwaiti nationality were not afforded the same protection as Kuwaiti children. The protection and fulfillment of the rights of non-Kuwaiti nationals were of particular concern to the Committee.

### ***Right to nationality***

The Committee was concerned that the measures taken to deal with matters that affected the rights of Bidoun children were insufficient. It questioned whether the State had addressed these issues. It recognised that if these children's parents were unknown, they were more likely to suffer abuse. It asked the State what measures it had taken to prevent these children becoming stateless.

The delegation explained that it believed that the 1961 Convention on the Reduction of Statelessness did not apply to the current situation facing the Bidoun people. However the delegation highlighted that the humanitarian needs of the Bidoun remained an important issue for the State.

In relation to the question of nationality the delegation asserted that Kuwait had its own identity, customs and traditions which therefore rendered the question of nationality a matter of sovereignty. The delegation explained that the Iraq invasion had threatened their nationality, which the State was protective of. The delegation explained that people came to Kuwait hoping to obtain Kuwaiti nationality as it was a welfare state and a wealthy country. It stated that the question of citizenship was an issue of national security for Kuwait.

The Committee responded to the delegation's explanation by explaining that lifting the reservation on article 7 did not mean that Kuwait would be obligated to give nationality to every person that applied for it. Nationality was a universal mechanism. It clarified that the right of nationality meant that there should be no discrimination between men and women when transferring nationality to their children. Furthermore, lifting the reservation would not mean that all children would automatically be entitled to Kuwaiti citizenship. The Committee requested that the State would study these options and consider lifting the reservation.

### ***Best interest of the child***

The Committee asked the State whether there were any procedural guarantees to ensure the best interests of the child were given primary consideration in matters affecting them. It asked the State to explain how the principle of the best interests of the child was applied in certain situations such as in cases of separation and divorce of the parents. It queried the criteria that were used when taking decisions on matters affecting the child and asked whether these principles were applied to all cases involving a child.

The Committee asked for clarification about the situation of children with parents in prison and on death row. It asked for specific statistics about how many children had a parent in prison and how many have had a parent executed. Furthermore, it asked for more detail about the provisions and measures put in place for these children and whether the executions of these children's parents still take place. The delegation explained that there is consideration for some parents on death row such as pregnant mothers. These mothers are able to have their death sentences commuted and are enabled to stay in prison to carry out their sentences.

The Committee demonstrated concern regarding the custody of children. It acknowledged that Kuwaiti law stated that the mother was always responsible for the child. If the mother was not available for the care of her child, the responsibility would pass to the grandmother and other female relatives, before the father. The Committee highlighted that attention was not paid to the father's characteristics in these situations. Furthermore, the Committee noted that if the mother was not Muslim then the father would have automatic custody of his child. The Committee questioned whether the best interests of the child would be taken into account in such cases and whether these decisions sometimes ran counter to the best interests of the child.

The Committee asked about guardianship and custody in Kuwaiti law. It noted that guardianship automatically remained with the father and highlights that this appeared discriminatory against women. It noted that according to the CRC these issues and matters should not be automatic; instead the best interests of the child must be taken into consideration before these decisions were made.

The Committee highlighted the issues surrounding children whose parents were executed. It was concerned about the public photos that are taken at executions and the following consequences of this on the children. It emphasised that these public photos will have repercussions for the child and that their best interests must be taken into account.

The delegation said that controlling the photos of such executions was very difficult. It stated that the repercussions were taken into consideration but insisted that it could not control the international media.

### ***Survival and Development***

The Committee reminded the delegation that the CRC was multifaceted and that all the provisions of the CRC were interdependent. If a State accepted a certain provision from the CRC then other laws should be compatible with this. The Committee affirmed its concern that the State's early marriage laws were in contradiction to the CRC. The Committee reiterated that the survival and the development of the child were affected by this as a girl marrying at the age of 15 would face difficulties when attempting to fulfil her individual potential. The Committee explained that the consequences of early marriage such as early pregnancy and marital responsibilities prevented girls from developing their full human potential. The delegation noted Law 151 of 1984 which provided that marriage is considered legal when both sides have achieved mental maturity.

### ***Respect for the views of the child***

The Committee reminded the delegation that its 1998 concluding observations had raised concern about the State's respect for the views of the child. It questioned how a child's voice would be heard in matters affecting him or her and whether there were mechanisms in place which were accessible to children so that they could make an official complaint concerning violations of their rights. The Committee also enquired about the participation of the child in programmes such as school councils and whether their opinions were heard in health care services.

The delegation explained that children were not entitled to create associations of public utility as these were legal entities with legal personality and obligations, as set out in Law 24 of 1962. It explained that if children founded such associations it would affect their best interests.

## **Civil Rights and Freedoms**

### ***Early marriage***

The Committee noted that article 85 of Kuwait's family law prevented marriage unless the girl was 15 years or older and the boy was 17 years or older. The Committee asked whether the State would review this law and harmonise it with the CRC, setting the age of marriage at 18 years for both boys and girls. The Committee highlighted several issues regarding the age of maturity, as there had reportedly been cases of marriages being registered involving girls under the age of 15. It highlighted that Law 151 of 1984 referred to a marriage being considered legal only when both parties to the marriage were considered to have reached full maturity.

The delegation explained that there was no contradiction or confusion between childhood and adulthood. The delegation clarified that Islamic law was an important source of law for the legal age of marriage, as Kuwait was an Islamic country whereby family law was based on Islamic Shari'a law. This body of law allowed marriage when a child had reached puberty, which explained why the State's national legislation allowed marriage contracts for children under 15.

The Committee questioned the meaning of puberty in Islamic Shari'a law and asked whether it was defined differently for girls and boys at the ages of 15 and 17 respectively. The Committee recalled that Kuwait was one of the few states in the region which maintained reservations on the CRC. The Committee reminded the delegation that these reservations were significant for the overall implementation of the CRC in Kuwait.

### ***Corporal punishment & child abuse***

The Committee raised several concerns about child abuse in Kuwait. It noted that there had been insufficient data on child abuse and school violence and highlighted the importance of an official data collection system that would track the prevalence of violence against children in this regard. It also noted that there was no comprehensive system for reporting child abuse and an absence of appropriate measures for reporting physical signs of sexual abuse. The Committee asked whether the police services condoned physical violence against children in family settings. It highlighted that the law did not criminalise guardians for this and asked what measures would be taken to explicitly prohibit corporal punishment in law and raise awareness about its negative impact, in practice.

The delegation explained that sexual harassment was a moral, educational and principle matter, and that the State had taken special measures to deal with this. Additionally, it stated that programmes to deal with the psychological issues caused by this type of abuse had been put in place for children.

The Committee asked about violence against girls, noting particularly that spousal rape was not considered a crime in Kuwait. The Committee was concerned that this would not afford the necessary protection to many girls, particularly given the early age of marriage. It also noted that girls who had been raped were often persuaded by their families not to report the rape. The Committee asked what support was provided to girls who became pregnant as a result of a rape. It asked whether these child victims were entitled to an abortion. The delegation stated that abortion was prohibited by law and was only permitted when the life of the mother was at risk.

### ***Freedom of thought, conscience and religion***

The Committee raised the issue of the practise of religions in Kuwait other than Islam, and explained that it had received information which stated that religions other than Islam were not allowed to be practised in Kuwait. The delegation explained that in Kuwait there were 190 different nationalities represented and that there was a strong commitment to respect of religion and different cultures. It particularly noted that Christianity was part of their religion and culture.

The Committee also questioned whether children were entitled to be co-editors and journalists to children's magazines. It also asked whether children were entitled to access to the internet compatible with their age and maturity.

### ***Birth registration***

The Committee raised concerns about the opportunity for Bidoun children to obtain birth certificates. The delegation stated that the Committee seemed to have received erroneous

information on this issue. It confirmed that birth certificates were issued to every person born in Kuwait. Law 26 of 1993 stated that birth certificates would be issued and would mention the nationality of the child. Many Bidoun children had a nationality other than Kuwaiti, which was noted in their registration at birth. There was a period of time when Bidoun families had refused to accept these certificates. Since 2011 birth certificates had been given to all children under six years; children over six years who were in need of a birth certificate had been referred to the Lineage Department.

The delegation insisted that there should be a differentiation between humanitarian issues and the question of nationality. It confirmed that the Bidoun children had been treated well by the State and were able to access health services, coupons for food and general assistance in daily life. The delegation highlighted that more than 1,000 Bidoun people had been given jobs in government Ministries. The delegation explained that a committee had been established in 2010 to deal with nationality issues and ensure justice and equality.

## **Family Environment and Alternative Care**

### ***Adoption***

The Committee asked why children that lived with adopted families were not entitled to carry their adoptive family's name or be entitled to inherit their possessions. It asked whether there were plans to reform this area of law.

The delegation explained that the State had a reservation on article 21 as Kuwait recognised alternative adoptions systems such as the Kafalah system.

### ***Custody & guardianship***

The Committee asked about situations in which a mother was granted custody of a child and the father was obliged to pay maintenance for the child but did not uphold this responsibility. It asked how the issue would be addressed and penalised when it arose.

The delegation explained that Law number 51 of 1984 addressed all matters relating to the family. Article 15 of this law stated that education of the father would occur to draw his attention to his obligation in this regard. If the custody was transferred to the mother she was entitled to stay in the home where the child lived if the father did not provide alternative housing. The State also provided some care in these situations, for example housing was provided for women divorcees who had children. Furthermore, the delegation noted that there was a directorate that cared for children who did not have legal guardians. In situations where there were no longer guardians for the minors the State created a mechanism which meant that the state was responsible.

### ***Adoption***

The Committee questioned the State on why children living that lived with adopted families are were not entitled to carry their adoptive family's name or inherit their possessions. It asked whether there would be plans for reform in this area. The delegation explained that the State had a reservation on article 21 as Kuwait recognised alternative adoptions systems such as the Kafalah system.

### ***Alternative care settings***

The Committee asked Kuwait about the care settings available to children without parental care.. It asked what measures the State had taken to regulate and monitor abuse of children in foster homes. It asked whether non-Kuwaitis were entitled to be placed in foster homes and

whether non-Kuwaitis could provide foster care for children without parental care. The delegation said that children received social and legal protection through foster families which were under the supervision of the State. The State has the authority to remove children from foster carers that were not adequate. A monthly subsidy was granted to these families.

### ***Child abduction***

The Committee highlighted a concern regarding the abduction of children. It noted that there had been situations where abductors had forced girls they had abducted to marry them. It asked what measures had been taken to deal with this issue.

## **Basic Health and Welfare**

### ***Children with disabilities***

The Committee commended the State for its inclusive policies for children with a disability but was concerned at the number of children with a disability who were not able to access mainstream schools. It asked the State how these children would be assisted and why the inclusion policies had not been fully implemented. It asked how the State would address stigmatisation towards children with disabilities and highlighted that significant work need to be done in this area to achieve inclusive education. It asked if the State had considered adapting the curriculum, as well as school settings in general, to ensure access for children with disabilities. It further asked for confirmation of whether non-Kuwaiti children with a disability could access the same services.

The delegation explained that children with a disability either attended specialised schools if they were deemed unable to integrate, or attended mainstream schools. The State would soon have in place 199 fully inclusive schools with an allocated budget of 3 million US dollars.

### ***Health Services***

The Committee demonstrated concern about child patients in need of specialised medical care who were obliged to travel overseas to access it. It asked whether children are not accessing medical the appropriate care for this reason. The Committee recommended that a study should be conducted on adolescent health to assess and eventually ensure that confidential reproductive and sexual health services were accessible and available to them.

The Committee was also concerned about children with mental health concerns as they reportedly needed the permission of a parent or guardian in order to be discharged from hospital. The Committee referred specifically to cases of girls who were essentially detained in hospitals as a result of this administrative procedure. It furthered queried issues surrounding pregnancies such as access to contraception, and maternal morbidity and mortality rates which were particularly concerning as they were notably higher among girls under the age of 18.

The delegation stated that the phenomenon of early marriage affected very few girls in practice. Furthermore, married women had the right to decide when they wanted to get pregnant.

The Committee questioned whether information about health issues such as substance abuse, eating disorders and obesity was provided publicly. The delegation stated that there was a health leaflet distributed to children in the ninth grade which explained and described the harm caused by drugs.

## ***HIV and AIDS***

The delegation explained that there were centres which provided the necessary HIV and AIDS tests for those who were about to get married. These centres had reduced the number of marriages that would have risked transmission of HIV, which State felt was very important.

## ***Breastfeeding and neo-natal care***

The delegation mentioned that there were specialised child-friendly obstetrics hospitals in Kuwait. Additionally there was a committee which had been set up to spread knowledge about the value of breastfeeding. Similarly, the sale of children's food products was monitored in Kuwait.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee commended Kuwait on its provision of free education and noted that attention should be drawn to this and that it should be encouraged. However the Committee noted that private school fees were extremely high.

The delegation explained that when illegal residents were accommodated by private schools they did not have to pay school fees unless they chose to attend an alternative private school in which case they were expected to pay any difference in the fees. The delegation re-iterated that Kuwaiti citizens were expected to pay their own fees but that the children of illegal residents were not obliged to pay fees.

### ***School Violence***

The Committee insisted that corporal punishment must be prohibited in schools. The Committee was concerned that violence in schools, including the use of violence by teachers, had increased. The Committee asked about death threats, armed attacks, shootings and sexual violence that had reportedly taken place in schools. It stated that violence against children had a negative effect and caused children fear and anxiety, distracting children from their studies. The Committee asked for more information about the support services for children that had suffered from violence at school and whether there were any anti-bullying programmes being promoted.

The delegation explained that violence against children was not as widespread as the Committee had indicated. There was not a phenomenon of weapons in schools and the Ministry of Education had taken measures to prevent violence in schools. There was the provision of guidance and counselling in schools and children were taught to respect others and not to be violent; ideals which were contained in most school rules. As well as this there were subjects in the curricula on the respect for others and non-violence.

### ***School attendance***

The Committee raised concern regarding the school attendance rate, including the high dropout rate. The Committee asked about the thousands of Bidoun children that reportedly did not have access to education because they did not have the appropriate legal status to attend state schools and were obliged to attend expensive private schools.

Furthermore, the Committee asked why there were evening classes for married girls and whether married girls were obliged to attend evening classes or if they could study during the

day with their peers. The delegation explained that the characteristics of the students were important when regulating education in Kuwait. For this reason married girls who may have had issues with pregnancies, health and daytime marital duties were automatically removed from mainstream schools and enrolled in evening schools upon marriage. The delegation added that the State was confident that this procedure worked well for married girls who wanted to study in the evenings as they found it more accommodating.

### ***Right to play***

The Committee observed that Kuwait did seem to be concerned about the right to play. There had been the collective organisation of this right. The Committee asked if there was a culture of children having the right to play that existed within the family setting. The delegation responded that there were programmes to encourage children to play and that education through play was also encouraged. The Ministry of Education had a satellite channel for children which included a programme on the CRC

The Committee questioned the delegation on children's right to engage in cultural activities. It requested more information on prohibitions on concerts and cultural events. The delegation explained that concerts were allowed as long as they were not in conflict with public morality. Additionally, girls could participate in these concerts with the approval of their parents or guardians.

## **Special Protection Measures**

### ***Domestic violence***

The Committee asked about the support provided for child victims of domestic abuse. It noted that according to law, women had to produce two witnesses to support their case in order for it to be taken up. It asked whether there were specific hotlines or shelters for victims of domestic abuse if training was provided to help social workers, judges and police deal handles these cases appropriately issues.

### ***Child labour***

The Committee noted that since 1998 the number of children in street situations had increased. It noted that the right to enter the labour market was only allowed over the age of 15 but questioned whether this regulation applied to non-Kuwaitis. It stated that non-Kuwaitis under the age of 15 seemed to be working and asked whether this information was accurate. It noted that the entry into the labour force for domestic workers was 21. The Committee focused their concerns on the non-Kuwaiti child population and also the Bidoun children.

### ***Juvenile justice***

The Committee had several concerns about juvenile justice in Kuwait and questions regarding the 1998 recommendations. It noted that there had still not been an amendment to the age of criminal responsibility which remained at seven years of age. The Committee was concerned about such a low age of criminal responsibility. It asked whether children that were detained were kept in adult prisons. It asked if there was any information on girl children who were detained and whether there was the possibility of interpreters for these children, particularly if they were non-Kuwaiti.

The delegation explained that several measures had been taken in the area of juvenile justice. As a preventive measure, children at risk of being in conflict with the law could be reprimanded, placed in the care of a guardian or in a social institution. These measures were

taken to protect the minor. The delegation assured the Committee that national legislation protected these children and took a restorative justice approach for eventual reintegration into society. The Ministry of Social Affairs and Justice had drawn up a draft law on juvenile justice which would ensure psychological counselling for minors. The Committee asked if there was a different procedure for children who had broken the law and children who were at risk of breaking the law. The delegation explained that juveniles at risk of breaking the law were dealt with through the Department of Juvenile Care which was composed of various professionals.

The Committee commended the State for an amendment to the criminal code which had led towards fairer trials for children. The Committee asked if there had been any considerations of reducing preventive detention. It reminded that any future amendments should benefit children. The Committee asked for clarification on several points. Firstly, whether children between 8 and 15 were judged by juvenile courts, and secondly whether children in situations of risk were put in the same centres as children who have broken the law. The delegation clarified that juveniles were only brought before juvenile courts and that there is separation between juveniles that have committed a crime and others who were at risk of committing a crime.

### ***Asylum-seeking children***

The Committee noted that there were reportedly more than 1,000 asylum-seeking children from various countries in Kuwait. It asked the delegation whether it had a system to handle cases of unaccompanied asylum-seeking children. It questioned whether children of asylum seekers were treated differently. The Committee hoped that Kuwait would ratify the Conventions of 1961 and 1967 relating to the Status of Refugees.

### ***Children of Incarcerated parents***

The Committee asked for clarification about the situation of children with parents in prison and on death row. It asked for specific statistics about how many children had a parent in prison and how many have had a parent executed. Furthermore, it asked for more detail about the provisions and measures put in place for these children and whether the executions of these children's parents still take place. The delegation explained that there is consideration for some parents on death row such as pregnant mothers. These mothers are able to have their death sentences commuted and are enabled to stay in prison to carry out their sentences.

### ***Children in Armed Conflict***

The Committee asked the delegation whether there was a mechanism to identify children coming into Kuwait who had been involved in armed conflict. It asked whether these children were cared for or whether there was training for the police to identify these children and if the State intended to ratify the Rome Statute. It also asked if there were any private security companies operating in Kuwait.

### ***Children of Parents sentenced to death***

The Committee questioned the application of this principle in situations where a child's parent was sentenced to the death penalty and whether such decisions gave due consideration to the best interests of the child. The delegation explained that in these situations custody of the child is transferred to the next of kin. It stated that the Ministry of Education and Social affairs were responsible for the care provided to these children.

### ***Protection of child witnesses and victims***

The Committee asked what measures had been put in place for the protection of child victims. The delegation explained that although the criminal age of responsibility had been set at 7 children under 15 were treated more as victims with through the Department of Juvenile Care which was composed of various professionals. The delegation stated that upon examining the text and spirit of the law stating the age of criminal responsibility it was evident that the law did not mean that these children should be punished. It maintained that the spirit of the law was to care for the child. Furthermore, the law provided protection for children, such as the chance to be tried in a closed court or from being exempt from being present at the trial.

### **Concluding Remarks**

Mr Madi thanked the delegation for a fruitful and serious dialogue. He hoped that the draft law on the rights of the child would be adopted quickly and gave approval for the aspects of this new law that had been shared with the Committee.

MrRazzak voiced his appreciation for the Committee, particularly the Chairperson who had led the session in an efficient manner. He reassured the Committee that the adoption of the draft Children's Code was a matter of importance for Kuwait. He acknowledged that some of the Committee's questions had not been answered due to a lack of time and reassured that these questions would be referred to the Kuwaiti government.