



# Convention on the Rights of the Child

Distr.: General  
19 October 2022

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the combined third to sixth periodic reports of Kuwait\*

#### I. Introduction

1. The Committee considered the combined third to sixth periodic reports of Kuwait<sup>1</sup> at its 2654th and 2655th meetings,<sup>2</sup> held on 14 and 15 September 2022, and adopted the present concluding observations at its 2668th meeting, held on 23 September 2022.

2. The Committee welcomes the submission of the combined third to sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, in particular the ratification, in 2013, of the Convention on the Rights of Persons with Disabilities. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention on the Rights of the Child, in particular the adoption of the Anti-Domestic Violence Act (No. 16 of 2020), the Child Rights Act (No. 21 of 2015) and the Juvenile Code (No. 11 of 2015), the creation of the High Committee for the Protection of Children, in 2013, and the national development plan, 2020–2025, prioritizing the promotion of access for children to education and health, social and cultural services.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18); birth registration and nationality (para. 22); corporal punishment (para. 25); violence against children, including abuse and neglect (para. 27); harmful practices (para. 29); and, education, including vocational training and guidance (para. 39).

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\* Adopted by the Committee at its ninety first session (29 August–23 September 2022).

<sup>1</sup> [CRC/C/KWT/3-6](#).

<sup>2</sup> See [CRC/C/SR.2654](#) and [CRC/C/SR.2655](#).

<sup>3</sup> [CRC/C/KWT/RQ/3-6](#).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Reservations and interpretive declarations**

6. The Committee regrets the lack of information provided by the State party on the effect of its reservations and interpretive declarations to the Convention, on the ability of children in Kuwait to enjoy their rights. Reiterating its previous recommendation,<sup>4</sup> the Committee calls upon the State party to seriously consider the withdrawal of the reservations and declarations, including by engaging religious and traditional leaders in a study of good practices in the region.

### **Legislation**

7. While noting with appreciation the adoption of the Child Rights Act, in 2015, and the Juvenile Code, in 2015, the Committee recommends that the State party:

(a) Strengthen its review of existing legislation, in line with the Committee's previous recommendations,<sup>5</sup> to ensure that all laws, including under sharia law, and all established interpretations thereof, are harmonized and in full compliance with the Convention;

(b) Introduce a children's rights impact assessment procedure for all new legislation adopted at the national level.

### **Comprehensive policy and strategy**

8. The Committee urges the State party to finalize its comprehensive policy on children and the accompanying strategic plan, developed by the Child Protection Office, ensuring that it encompasses all areas of the Convention and that the human, technical and financial resources necessary for its implementation are allocated thereto, in line with its previous recommendation.<sup>6</sup>

### **Coordination**

9. While taking note of Decision No. 10 of 2016, broadening the mandate of the Supreme Council for Family Affairs in its role as the government entity responsible for promoting and coordinating the realization of children's rights, the Committee recommends that the State party ensure that the Supreme Council operates effectively, including by addressing potential duplications of work, to coordinate all activities related to the implementation of the Convention at the national and municipal levels and across all sectors.

### **Allocation of resources**

10. While welcoming the significant budget allocations to education and health, the Committee, in the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, reiterates its previous recommendations.<sup>7</sup>

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<sup>4</sup> CRC/C/KWT/CO/2, para. 8.

<sup>5</sup> Ibid., para. 10.

<sup>6</sup> Ibid., para. 12.

<sup>7</sup> Ibid., para. 16.

### Data collection

11. The Committee welcomes the unified data-gathering mechanism for children developed by the Central Statistical Bureau in coordination with relevant ministries. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Continue strengthening its unified data collection system and ensure that data collected on children's rights cover all areas of the Convention, and are disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, to facilitate analysis of the situation of children, in particular those in situations of vulnerability, including girls, children who do not possess Kuwaiti nationality and those who are stateless (*bidoon*) and children with disabilities;

(b) Analyse and make available to policymakers data on children's rights, to further improve monitoring and legislation, policies and the realization of children's rights;

(c) Undertake a multi-indicator cluster survey, in collaboration with the United Nations Children's Fund and other partners.

### Independent monitoring

12. The Committee recognizes the establishment, through Act No. 67 of 2015, of the Human Rights Diwan, and recommends that the State party:

(a) Continue to take measures to ensure its operationalization and to guarantee its independence, including regarding funding for the Commission, its mandate and immunities for its staff, to ensure the Commission's full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Ensure that the Commission establishes a specific mechanism to effectively receive, investigate and address complaints from children in a child-sensitive and child-friendly manner.

### Dissemination, awareness-raising and training

13. While taking note of the efforts of the Ministry of Social Affairs to raise awareness about the Child Rights Act, the Committee recommends that the State party:

(a) Strengthen awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention and the Optional Protocols thereto are widely known by the public, including parents and children themselves;

(b) Ensure that all professionals working with and for children receive mandatory training on children's rights;

(c) Promote the active involvement of children in public outreach activities, including in measures targeting parents, social workers, teachers and law enforcement officials.

### Cooperation with civil society

14. The Committee takes note of the information in the State party's report about the representation of civil society institutions in the Supreme Council for Family Affairs and recommends that the State party strengthen its efforts to promote an independent and plural civil society and continually cooperate with non-governmental organizations and children's organizations, including children human rights defenders, in the

planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights, in line with its previous recommendation.<sup>8</sup>

#### Children's rights and the business sector

15. Noting the centrality of the oil and gas industry to the gross domestic product and employment in the State party, the Committee, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, recalls its previous recommendations,<sup>9</sup> and recommends that the State party:

(a) Establish, implement and monitor regulations to ensure that the business sector, including the oil and gas industry, complies with international standards in the areas of human and children's rights, health, labour and the environment, by sanctioning perpetrators and providing remedies when violations occur;

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

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

16. While welcoming the definition of a child provided in article 1 of the Child Rights Act, namely, "as any person below the age of 18 years old", the Committee recalls its previous recommendation<sup>10</sup> and urges the State party to amend its legislation and, in particular to repeal article 26 of the Personal Status Act (No. 51 of 1984) that allows for child marriage, and to establish in law the minimum age of marriage as 18 years of age for both girls and boys.

### C. General principles (arts. 2–3, 6 and 12)

#### Non-discrimination

17. Noting that children who do not possess Kuwaiti nationality and those who are stateless represent approximately half of the total number of children in the State party, the Committee remains extremely concerned that that group of children experience widespread discrimination in access to basic social services, including education and health care, and is also the target of hate speech. The Committee is very concerned about the persistence of discrimination against girls, both in law and in practice, in the State party, notably as codified in the Personal Status Act and in the Criminal Code (No. 16 of 1960), and concerning child marriage, protection from homicide, rape, abduction and access to sexual and reproductive health information and services, as well as the insufficient measures taken to prevent and eliminate gender-based discrimination.

18. Taking note of targets 5.1 and 10.1 of the Sustainable Development Goals, and recalling the commitments made by the State party in the context of the third cycle of the universal periodic review,<sup>11</sup> the Committee reiterates its previous recommendations<sup>12</sup> and urges the State party to implement the legal principles of non-discrimination, as articulated in the Constitution as well as in article 3 of the Child Rights Act, including by:

(a) Repealing all laws and eliminating all practices that are discriminatory, paying special attention to the situation of girls and children who do not possess Kuwaiti

<sup>8</sup> Ibid., para. 22.

<sup>9</sup> Ibid., para. 24.

<sup>10</sup> Ibid., para. 26.

<sup>11</sup> A/HRC/44/17, paras. 157.230, 157.234, 157.255, 157.301; and A/HRC/44/17/Add.1.

<sup>12</sup> CRC/C/KWT/CO/2, paras. 6, 28 and 30.

**nationality and those who are stateless, with a view to ensuring that all children can enjoy their rights, on an equal basis, under the Convention;**

**(b) Mobilizing communities and the public at large by undertaking systematic efforts, in collaboration with the mass media, social networks and community and religious leaders, to change discriminatory attitudes and practices towards girls, children who do not possess Kuwaiti nationality and those who are stateless, with a view to also combating hate speech against migrant and stateless children.**

#### **Best interests of the child**

19. **The Committee welcomes the recognition of the principle of the best interests of the child in article 3 of the Child Rights Act and how the principle is considered in judicial proceedings. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous recommendations.<sup>13</sup>**

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

20. **While noting the creation of student councils and parliament, the Committee is concerned about the extent to which conclusions and recommendations put forward by children are taken into consideration in decision-making processes. In the light of its general comment No. 12 (2009) on the right of the child to be heard, and recalling its previous recommendation,<sup>14</sup> the Committee recommends that the State party:**

**(a) Ensure that the student councils and parliaments are composed of diverse representation of Kuwaiti society and in particular children from marginalized and disadvantaged communities, including girls, children with disabilities, children who do not possess Kuwaiti nationality and those who are stateless, and ensuring that the outcomes of children's council and parliament sessions are systematically fed into public decision-making;**

**(b) Ensure that processes are in place to ensure child participation in all settings and decisions regarding children, in particular in judicial and administrative procedures, at schools, in communities and at home;**

**(c) Ensure that all relevant professionals engaging with and for children, including teachers, health care providers, social workers and justice sector personnel, systematically receive appropriate training on the right of the child to be heard and have his or her opinion considered.**

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration and nationality**

21. **The Committee is seriously concerned about the failure of the State party to revise the Nationality Act (No. 15 of 1959) to remove discriminatory provisions and accord Kuwaiti women the right to transmit their nationality to their children irrespective of the child's father's nationality. The Committee underscores that the State party's justification, on the grounds of State sovereignty, compounds the discrimination, perpetuated by the law, faced by children born to a Kuwaiti mother and a father who is not a national of Kuwait or whose nationality is unknown, namely, the inability to exercise their fundamental rights on an equal basis with children who are Kuwaiti nationals. It notes that the Family Care Act (No. 80 of 2015) does not provide an appropriate remedy to the situation. The Committee is further concerned that:**

**(a) Insufficient efforts have been made to ensure the birth registration of stateless children, in particular those born outside of hospitals, as a measure necessary to prevent statelessness;**

<sup>13</sup> Ibid., para. 32.

<sup>14</sup> Ibid., para. 34.

(b) Statutory provisions permitting a Kuwaiti woman who is divorced or widowed to transmit her nationality to her child are not consistently applied in practice;

(c) Children born to migrant parents who are unmarried are summarily expelled from Kuwait within a month following their birth.

22. **Taking note of target 16.9 of the Sustainable Development Goals and recalling its previous recommendation,<sup>15</sup> the Committee urges the State party to:**

(a) **Ensure the right of all children, without exception, to be registered at birth and acquire a nationality, establishing as a priority the situation of stateless children born outside health facilities;**

(b) **Set a clear time frame to review the Nationality Act to remove discriminatory provisions, with a view to ensuring that revisions are in line with the best interests of the child;**

(c) **Ensure that the best interests of the child are a primary consideration in all administrative and judicial proceedings involving the children of migrants, including expulsion proceedings;**

(d) **Review the draft legislation on nationality and citizenship presented by the Speaker of the National Assembly to facilitate the acquisition of nationality for children who would otherwise be stateless, regardless of their parents' citizenship, residence, legal or marital status, with particular attention given to children who do not possess Kuwaiti nationality and those who are stateless, ensuring that it is in line with international human rights law;**

(e) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees to reach a solution for stateless people, in line with international standards, and follow a procedure to end statelessness for that population, including children, on a case-by-case basis;**

(f) **Consider ratifying the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

#### Freedom of association and peaceful assembly

23. **The Committee recalls its previous recommendation<sup>16</sup> and further recommends that the State party support and encourage children to form, legally register, lead and participate in their own associations and initiatives and to participate in public gatherings.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

24. While noting the explanation by the State party that article 6 of the Child Rights Act, in conjunction with article 29 of the Criminal Code, cannot be used as a justification to harm children, it remains deeply concerned that such legal provisions can be misinterpreted by parents, teachers and other caregivers to justify the use of corporal punishment.

25. **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, and recalling its previous recommendation,<sup>17</sup> the Committee urges the State party to:**

(a) **Repeal or amend all legal provisions, including article 6 of the Child Rights Act and article 29 of the Criminal Code, so that they cannot be interpreted as a justification for the use of corporal punishment;**

<sup>15</sup> Ibid., para. 36.

<sup>16</sup> Ibid., para. 40.

<sup>17</sup> Ibid., para. 42.

(b) **Explicitly prohibit in law, as a matter of priority, corporal punishment in all settings, including in the home and childcare institutions, and enforce the prohibition;**

(c) **Strengthen awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change within the family and at the community level regarding corporal punishment and to promote positive, non-violent and participatory forms of child-rearing and effective classroom management.**

#### **Violence against children, including abuse and neglect**

26. The Committee welcomes the introduction, in the Child Rights Act and the Anti-Domestic Violence Act (No. 16 of 2020), of legal protections for children against any form of mental or physical abuse, attributing criminal responsibility to perpetrators and mandating the establishment of shelters and a helpline for children. However, the Committee remains seriously concerned about the absence of the following:

(a) A comprehensive national strategy to address all forms of violence against children, including domestic violence;

(b) Systematic awareness-raising efforts to ensure that children know how to seek protection and assistance;

(c) Comprehensive specialized services that are available and accessible and a referral system to prevent, identify and respond to cases of children who are victims of such abuse, including operational shelters in the State party;

(d) Information about the sanctions imposed for violations of legislation prohibiting abuse and domestic violence against children.

27. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Finalize and adopt the protocol being developed by the High Committee for the Protection of Children on the management of cases of the ill-treatment, neglect and exploitation of children, ensuring that it is inclusive of the special needs of children who are in situations of vulnerability, such as girls, children who do not possess Kuwaiti nationality and those who are stateless and children with disabilities;**

(b) **Establish mechanisms, procedures and guidelines to ensure and promote mandatory reporting and multi-agency intervention in all cases of violence against children, and strengthen education and training for health professionals on preventing, detecting and addressing different forms of violence;**

(c) **Operationalize the shelters provided for in the Anti-Domestic Violence Act, ensuring that children who are victims of such violence are provided with access to age- and gender-sensitive and victim-centred support and reintegration programmes;**

(d) **Ensure that children are informed of and encouraged to gain access to child-friendly complaint mechanisms for the confidential reporting of all forms of violence and abuse and to the assistance and protection services available to them;**

(e) **Ensure that cases of violence against children are promptly reported and investigated, applying a child-friendly and multisectoral approach to avoid revictimization of the child, that psychosocial and therapeutic support, as well as reparations, are provided to children who are victims of such violence and that perpetrators are prosecuted, duly sanctioned and are deterred from having contact with children, in particular in their professional capacity.**

#### **Harmful practices**

28. The Committee is gravely concerned that, despite its previous recommendations,<sup>18</sup> the State party has not revoked articles 153 and 182 of its Criminal Code, attributing to an

<sup>18</sup> Ibid., paras. 46 and 48.

abductor or rapist, or a man who murders a girl or woman in the name of so-called “honour”, punishment that is grossly inadequate to the gravity of those crimes and without due regard to the victim’s right to life and to be free from torture and other cruel, inhuman or degrading treatment. It is also seriously concerned that child marriage remains a culturally accepted practice and that female genital mutilation persists, in particular among migrant communities, in the State party.

29. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of targets 5.2 and 5.3 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Expediently repeal articles 153 and 182 of the Criminal Code, which, respectively, reduce penalties for perpetrators of crimes committed in the name of so-called “honour” and exempt perpetrators of abduction from prosecution and punishment if they marry their victims with the consent of the victim’s guardian;**

(b) **Raise awareness about the harmful effects of child marriage and female genital mutilation on the physical and mental health and the well-being of girls, targeting households, local authorities, religious and traditional leaders, teachers, health-care workers and law enforcement personnel;**

(c) **Build the capacity of education, health and justice professionals working with and for children to identify and promptly refer victims of female genital mutilation to age- and gender-sensitive and victim-centred services, including medical assistance and psychological counselling.**

#### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

##### **Family environment**

30. **Recalling its previous recommendations,<sup>19</sup> the Committee further recommends that the State party:**

(a) **Review the provisions of the Family Care Act that authorize a child’s removal from his or her mother, in cases where descent from their father cannot be legally established, and the placement of the child in temporary care until his or her legal situation has been regularized, ensuring that all decisions taken are made with the best interests of the child taken as a primary consideration;**

(b) **Review legislation to ensure that, in the case of parental separation, the mother and father share the parental responsibilities, unless it is not in the best interests of the child, ensuring that the child’s views are taken into consideration, and build the capacity of the judiciary to undertake assessments of the best interests of the child;**

(c) **Strengthen support provided to single mothers and unmarried parents, to assist them to care for their children, including financial support and vocational training opportunities.**

##### **Children deprived of a family environment**

31. **While noting the adoption of the Family Care Act, which sets out provisions for the shelter, care and custody of children of unknown parents and persons of similar status, the Committee is concerned about the extensive use of placement in institutions for children deprived of a family environment and the limited availability of family-based care options. Drawing the State party’s attention to the Guidelines for the**

<sup>19</sup> Ibid., para. 52.



Alternative Care of Children,<sup>20</sup> and recalling its previous recommendations,<sup>21</sup> the Committee urges the State party to:

- (a) Prioritize family-based care for all children who cannot stay with their families, with a view to ending the institutionalization of children;
- (b) Ensure adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care;
- (c) Establish the Family Care Committee provided for in article 6 of the Family Care Act, to oversee the care programmes, plans and condition of social care institutions;
- (d) Effectively implement the decree issued in 2016 by the Ministry of Justice to regulate facilities for children in care, ensure the periodic review of the placement of children in foster care and alternative care institutions and monitor the quality of care therein, including by providing accessible channels for reporting and remedying cases of the ill-treatment of children;
- (e) Provide continuous capacity-building and training for foster parents, staff of the Ministry of Social Affairs, social workers and staff working in alternative care institutions on children's rights and the particular needs of children deprived of a family environment.

#### Children of imprisoned parents

32. The Committee recommends that the State party:

- (a) Make the best interests of the child a primary consideration by weighing non-custodial alternatives to the detention of mothers and, while they are awaiting such alternatives, provide all the necessary human and financial resources and support to children living in detention with their mothers;
- (b) Provide any psychological and other support necessary to children whose parents have been imprisoned, especially for those whose parents have been sentenced to death;
- (c) Allow children up to 18 years of age visitation rights so that they may maintain ties with their incarcerated mothers and fathers.

### G. Children with disabilities (art. 23)

33. While the Committee takes note of the provision of a monthly allowance for children with disabilities, it is concerned that children with disabilities who do not possess Kuwaiti nationality and those who are stateless are not included as beneficiaries of the Rights of Persons with Disabilities Act (No. 8 of 2010). With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recalls its previous recommendations<sup>22</sup> and further recommends that the State party:

- (a) Enable all children with disabilities living in the State party, including children with disabilities who do not possess Kuwaiti nationality and those who are stateless, to claim and have access to their rights without discrimination, in accordance with the human rights-based approach to disability, and protect them from all forms of disability-based discrimination;
- (b) Develop a comprehensive national education strategy that expands inclusive education, in order for all children with disabilities to benefit from a high-quality and inclusive education system, irrespective of their different capacities;

<sup>20</sup> General Assembly resolution 64/142, annex.

<sup>21</sup> CRC/C/KWT/CO/2, para. 54.

<sup>22</sup> Ibid., para. 56.

- (c) Strengthen the system for early detection and intervention, including for children with autism and developmental disorders, in order to facilitate access for children with all types of disabilities to education, health care, social protection and support services;
- (d) Ensure that children are not placed in institutions as a result of their disability and strengthen family and community-based care;
- (e) Implement the Kuwait Accessibility Code by finalizing the legislation and regulations for its application with a view to ensuring the accessibility of public spaces, buildings, services and information for children with disabilities;
- (f) Undertake awareness-raising campaigns aimed at government officials and members of the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of them as rights holders.

## H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

### Health and health services

34. Welcoming the 1,000+ Days initiative, focusing on the well-being of children from infancy to 4 years of age, the Committee, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of targets 3.2 and 3.8 of the Sustainable Development Goals, recommends that the State party:

- (a) Ensure effective access to the public health-care system for all children resident in Kuwait by removing the requirement for children who do not possess Kuwaiti nationality and those who are stateless to pay a service fee;
- (b) Strengthen measures to reduce, among the non-national and stateless population, the rates of mortality among infants and children under 5 years of age resulting from preventable causes;
- (c) Intensify measures to combat obesity and type 2 diabetes and to raise awareness about healthy nutrition among parents, children and the general public, promote healthy eating habits, in particular among young children and adolescents, and develop regulations regarding the marketing of unhealthy food that have a negative effect on children's health;
- (d) Strengthen its efforts in favour of breastfeeding, including by taking measures to publicize breastfeeding guidelines, enforce the limits that have been placed on the use of infant formula and fully implement the International Code of Marketing of Breast-milk Substitutes, encourage flexible working arrangements and raise awareness, including through the media, of the importance of breastfeeding among families and the general public.

### Adolescent health

35. The Committee notes with concern that the State party has not recognized rape and incest as valid grounds for abortion, and also notes the barriers to access to sexual and reproductive health-care services that adolescents continue to face. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>23</sup> and recommends that the State party:

- (a) Immediately decriminalize abortion, at least in cases of rape and incest, with a view to progressively decriminalizing abortion in all circumstances, and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure

<sup>23</sup> Ibid., para. 60.

that their views are always heard and given due consideration as a part of the decision-making process;

(b) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the compulsory school curriculum and targeted at all adolescents, ensuring that it includes education on preventing early pregnancy and sexually transmitted infections, as well as life-skills education on preventing substance abuse;

(c) Expand the provision of free and confidential sexual and reproductive health information and services, including access to contraceptives, to adolescent boys and girls, without the need for the consent of or the need to be accompanied by a parent or legal guardian.

#### **Mental health**

36. Taking note of target 3.4 of the Sustainable Development Goals, and recalling its previous recommendations,<sup>24</sup> the Committee recommends that the State party:

(a) Ensure the compliance of the Mental Health Act (No. 14 of 2019) with the Convention, including its provisions concerning the voluntary or compulsory admission of child patients to mental health facilities, support children in acquiring access to legal assistance to request a court review of all such admission decisions so as to ensure that children are not arbitrarily placed in mental health facilities;

(b) Strengthen mental health services and programmes for children, including by allocating sufficient financial, technical and human resources for preventive measures under the youth care programme, developing therapeutic community-based mental health services and ensuring that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children's mental health needs in a timely manner.

#### **Impact of climate change on the rights of the child**

37. Noting the negative impact on the climate and on children's health of the high levels of air pollution, deteriorating groundwater quality and inadequate waste disposal in the State party, the Committee recommends that the State party, in line with targets 3.9 and 13.5 of the Sustainable Development Goals:

(a) Rapidly assess the impact of air pollution on children's health, in line with its obligations pursuant to Decree No. 2 of 2015, and undertake a study on the prevalence of asthma and respiratory diseases in children as a basis for designing a well-resourced strategy to remedy the situation;

(b) Fully implement and monitor compliance with the Environmental Protection Act (No. 42 of 2014, as amended by Act No. 99 of 2015), which sets out regulations and standards for air quality and for gas emission levels from all the major sources in the State;

(c) Urgently finalize the plans currently being developed, through coordination between the Public Authority for the Environment and the Ministry of Health, for reducing the level of greenhouse gas emissions to prevent a further deterioration of the climate, while ensuring that the special vulnerabilities and needs of children, as well as their views, are taken into consideration;

(d) Ensure that the impact of climate change on the rights of the child are taken into consideration in its energy policy, including in relation to fossil fuel extraction and fossil fuel subsidies;

(e) Promptly adopt and enforce regulations on water usage and waste disposal, with a view to strengthening resource conservation and creating a healthy environment where children can play outside;

<sup>24</sup> Ibid., para. 62.

(f) **Strengthen the cooperation between the Ministry of Education and the Public Authority for the Environment, to raise awareness of environmental health and climate change among children, with the active participation of schools.**

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

38. While welcoming the investment made by the State party, including through the Charitable Fund for the Education of Needy Children, to provide free education for children from preschool to tertiary education, the Committee is concerned that:

(a) The learning outcomes for children are inadequate, owing to the poor quality of teaching methods and materials;

(b) Children who do not possess Kuwaiti nationality and who are stateless encounter barriers, both administrative and financial, to access to education;

(c) Systematic responses to prevent and intervene in cases of bullying and sexual harassment in schools are lacking;

(d) Schooling disrupted by the coronavirus disease (COVID-19) pandemic has resulted in learning losses;

(e) There is no country-wide early childhood education curriculum for children from infancy to 6 years of age;

(f) Human rights education has not yet been incorporated into school curricula, other than in grade 12, or in the training of teachers and other education professionals.

39. **The Committee, taking note of targets 4.1, 4.2, 4.5, 4.6, 4.a and 4.c of the Sustainable Development Goals, and recalling its previous recommendations,<sup>25</sup> further recommends that the State party:**

(a) **Strengthen the quality of education and learning outcomes, including through the professional development of teachers and by reviewing the national curriculum, ensuring that teaching and learning materials are aligned with the curriculum and strengthening mechanisms for monitoring the compliance of both public and private schools with minimum educational standards;**

(b) **Ensure the implementation of Decrees No. 224 and No. 225 of 2014 and Decree No. 116 of 2016, issued by the Ministry of Education, to facilitate access to education for children who do not possess Kuwaiti nationality and those who are stateless;**

(c) **Evaluate the impact of the policies and programmes in place to address incidences of sexual harassment, violence and bullying in schools to ensure that such measures effectively encompass prevention, early detection mechanisms, awareness-raising on its harmful effects, the empowerment of children, the training of teachers and intervention protocols;**

(d) **Ensure recovery from setbacks due to the COVID-19 pandemic and strengthen new methods of learning by providing better information and communications technology infrastructure in schools and in homes, to enable additional in-person and online learning opportunities;**

(e) **Allocate sufficient financial resources for the development and expansion of public early childhood care and education, with a view to increasing enrolment in preschool education;**

(f) **Introduce human rights education, including on the Child Rights Act, and offer such education at all grade levels.**

<sup>25</sup> Ibid., paras. 64 and 65.

### **Rest, leisure, recreation and cultural and artistic activities**

40. The Committee recommends, in accordance with its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, that the State party:

(a) Strengthen its efforts to guarantee the right of the child to freely engage in age-appropriate recreational activities, cultural life and the arts, based on the principles of inclusion, participation and non-discrimination;

(b) Fully involve children in planning, designing and monitoring the implementation of policies and programmes relevant to leisure, play, recreation, cultural life and the arts.

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Economic exploitation, including child labour and trafficking**

41. The Committee has been informed that children, and disproportionately those who are stateless and migrants, continue to be engaged in the informal sector, often as domestic workers, and in exploitative conditions, some of whom are also subjected to trafficking. Taking note of target 8.7 of the Sustainable Development Goals, it recommends that the State party:

(a) Adequately resource the Department for Regulating the Recruitment of Domestic Workers to enable it to effectively carry out its mandate to monitor the recruitment processes in line with the Domestic Workers Act (No. 68 of 2015), and specifically its prohibition of the recruitment of domestic workers who are under 21 years of age;

(b) Strengthen inspection mechanisms in all places of employment, including in private homes, ensuring that the outcome of inspections noting contraventions of the law are referred directly to the public prosecutor, so as to prevent impunity and retaliation against children;

(c) Build the capacity of employers, workers and law enforcement authorities to identify children who are victims of exploitation or trafficking and to refer them to appropriate assistance and protection services;

(d) Conduct awareness-raising activities on the dangers of trafficking for parents, the community and children.

### **Administration of child justice**

42. While welcoming the abolition of the death penalty for children, pursuant to the Juveniles Act (No. 21 of 2015), the Committee, with reference to its general comment No. 24 (2019) on children's rights in the child justice system and to the global study on children deprived of liberty, urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Raise the minimum age of criminal responsibility to at least 14 years of age;

(b) Ensure that children below the age of 18 are not prosecuted as adult offenders, without exception;

(c) Ensure the provision of qualified, free and independent legal aid to children in conflict with the law, from the beginning of the investigation and throughout the legal proceedings, also granting access to a lawyer and to a child's family immediately after his or her arrest;

(d) Continue to provide systematic specialized mandatory training programmes for members of the judiciary and other relevant officials working with children in the justice system;

(e) In line with article 16 of the Juveniles Act, promote non-custodial and non-judicial measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, for all children;

(f) Ensure that detention is used as a measure of last resort and for the shortest possible period, that children are separated from adults and that detention is reviewed on a regular basis to ensure that children are not held arbitrarily or unlawfully.

## **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on children in armed conflict**

43. Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol,<sup>26</sup> the Committee recommends that the State party provide systematic training programmes on the provisions of the Optional Protocol for personnel responsible for the identification and referral of stateless children who may have been recruited or used in hostilities abroad, ensuring that they are provided with protection and assistance for their full physical and psychological recovery and social reintegration, and paying particular attention to children in marginalized and disadvantaged situations.

### **Optional Protocol on the sale of children, child prostitution and child pornography**

44. Recalling its guidelines on the implementation of the Optional Protocol<sup>27</sup> and its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol,<sup>28</sup> the Committee urges the State party to:

(a) Explicitly criminalize all forms of the sale of children as defined in article 2 of the Optional Protocol, including all the acts listed in article 3 (1) (a) thereof;

(b) Ensure that the definition of child pornography in the relevant legislation explicitly includes suggestive representations of children that do not depict children engaged in explicit sexual activity and that possessing or knowingly accessing or viewing such material is also criminalized;

(c) Adopt a national action plan to combat all offences under the Optional Protocol, paying particular attention to preventing children, especially those in marginalized and disadvantaged situations, from becoming victims of the offences of the sale of children, child prostitution and child pornography;

(d) Ensure that remedies are available to children who are victims of offences under the Optional Protocol.

## **L. Ratification of the Optional Protocol on a communications procedure**

45. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on a communications procedure.

<sup>26</sup> CRC/C/OPAC/KWT/CO/1.

<sup>27</sup> CRC/C/156.

<sup>28</sup> CRC/C/OPSC/KWT/CO/1.

## **M. Ratification of international human rights instruments**

46. The Committee recommends that the State party consider ratifying the following core human rights instruments:

- (a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) International Convention for the Protection of All Persons from Enforced Disappearance;
- (c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (d) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

47. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined third to sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

48. The Committee recommends that the State party further strengthen the interministerial committee tasked with preparing reports under the human rights treaties and ensure that it has the mandate and adequate human, technical and financial resources to effectively coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the interministerial committee should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the National Human Rights Commission and civil society.

### **C. Next report**

49. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 19 November 2027 and to include therein information on the follow-up undertaken with regard to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>29</sup> and should not exceed 21,200 words.<sup>30</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

<sup>29</sup> CRC/C/58/Rev.3.

<sup>30</sup> General Assembly resolution 68/268, para. 16.