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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Concluding Observations of the Committee on the
Rights of the Child: Kuwait**

1. The Committee considered the initial report of Kuwait (CRC/C/OPAC/KWT/1) at its 1301st/1302nd meeting (CRC/C/SR.1301 and 1302), held on 24 January 2008, and adopted at its 1313th meeting, held on 1 February 2008, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/KWT/Q/1). The Committee also appreciates the constructive dialogue with a large and inter-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 26 October 1998, contained in CRC/C/15/Add.96, and with the concluding observations adopted on the State party's initial report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, contained in CRC/C/OPSC/KWT/CO/1.

Positive Aspects

4. The Committee welcomes:

- (a) The State party's declaration upon ratification of the Optional Protocol that it is committed to maintaining a minimum age of 18 for voluntary and compulsory recruitment;
- (b) The State party's accession on 26 August 2004 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- (c) The State party's ratification on 15 August 2000 of ILO Convention N°182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and
- (d) The State party's accession on 30 July 2007 to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

I. General measures of implementation

Coordination and evaluation of the implementation of the Protocol

- 5. The Committee notes that the Ministry of Defence and the Ministry of the Interior bear the main responsibility for implementation of the Optional Protocol. The Committee also takes note with appreciation of the establishment in 2007 of the Higher Council for the Family and Children to deal with children's rights issues.
- 6. **The Committee encourages the State party to consider giving the Higher Council for the Family and Children the main responsibility for coordination and evaluation of, inter alia, the implementation of the Optional Protocol.**

Dissemination and training

- 7. The Committee notes with appreciation the existence of high level training and capacity building programmes for professionals dealing with Kuwaiti children.
- 8. **The Committee encourages the State party to create and strengthen training and capacity building programmes for professionals dealing with non-national children, including stateless children.**

Data collection

- 9. The Committee, while noting the State party's efforts to consolidate its data collection system, expresses concern that data collection and analysis of areas covered by the Optional protocol are inadequate, including information on former child soldiers entering Kuwait.
- 10. **The Committee encourages the State party to put in place a data collection system encompassing all the areas covered by the Optional Protocol and to ensure that such data will be disaggregated in way that focuses on victims of acts prohibited under the Optional Protocol.**

II. Prevention

Public awareness and Peace education

11. The Committee, while noting the information on human rights education provided by the State party in its written replies, is concerned that human rights education, including peace education, is not an element of the curricula of all schools at *all* levels.

12. The Committee recommends that the State party strengthen its efforts to provide human rights education and, in particular, peace education for all children in school at all levels and to train teachers with respect to including these themes in children's education.

III. Prohibition and related matters

Criminal legislation and regulations in force

13. The Committee notes with appreciation that the Kuwaiti Army Act prohibits the involvement of persons under the age of 18 in hostilities. While the Committee takes note of the State party's indication that there are no armed groups in the country distinct from the armed forces, it nevertheless regrets the lack of legislation on the issue of child recruitment in order to protect children from recruitment abroad.

14. In order to strengthen international measures for the prevention of the recruitment of children and their use in hostilities by the State or any other entity, the Committee recommends that the State party:

(a) Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities is explicitly criminalized in the State party's legislation;

(b) Ensure that military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol; and

(c) Consider ratifying the Rome Statute of the International Criminal Court.

Jurisdiction

15. While the Committee notes that the State party's legislation provides in some cases for extraterritorial jurisdiction, it notes that no specific provisions exist providing for extraterritorial jurisdiction in the case of recruitment or involvement of children in hostilities when committed by or against a person who is a citizen or has other direct links with the State party.

16. **The Committee recommends that the State party review and revise its current legislation in order to establish extraterritorial jurisdiction for crimes regarding the recruitment and involvement of children in hostilities when they are committed by or against a person who is a citizen of or has other links with the State party.**

Extradition

17. The Committee welcomes the efforts of the State party to conclude bilateral agreements relating to extradition, but notes the lack of an explicit reference in the State party's legislation to the possibility of extradition of persons committing offences addressed in the Optional Protocol.

18. **The Committee encourages the State party to ensure that explicit reference is made in extradition agreements to the possibility of extradition of persons who have committed offences under the Optional Protocol.**

IV. Protection, recovery and reintegration

19. The Committee notes that the State party provides programmes, activities and services for child victims of crimes. The Committee also notes with interest that the Office of Social Development conducts specialized training courses that, inter alia, familiarize parents with children's psychological and social problems and advise them on how to deal with such problems. The Committee also notes the existence of the "Martyr's Bureau" which is intended to help the children of persons considered "martyrs" by the State party, to adapt psychologically and socially to daily life. The Committee is concerned however, that there are no programmes specifically addressing the areas covered under the Optional Protocol.

20. **The Committee encourages the State party to create and strengthen protection, recovery and reintegration programmes that are specific to the areas covered under the Optional Protocol.**

V. International assistance and cooperation

International Cooperation

21. The Committee notes with appreciation the State party's programmes of international cooperation. The Committee also notes with appreciation the indication by the State party that it is considering increasing the amount of financial assistance to its cooperation programme with the United Nations High Commissioner for Refugees.

22. **The Committee encourages the State party to allocate a component of its international assistance and cooperation programmes to the implementation of activities covered by the Optional Protocol.**

VI. Follow-up and dissemination

Follow-up

23. The Committee recommends that the State party take all measures to ensure the full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Cabinet, the National Assembly, the Ministry of Defence and governorate authorities, where applicable, for appropriate consideration and further action.

Dissemination

24. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VII. Next report

25. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child due, in accordance with article 44 of the Convention, which was originally due in 1998.
