Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Kuwait - 8th Session - 2010
12th May, 9am to 12pm

National Report
To follow soon

UN compilation

3. CRC noted with appreciation Kuwait’s indication that OP-CRC-SC has become part of Kuwaiti positive law. Nevertheless, CRC expressed concern that there is limited harmonization between national legislation, notably the Criminal Code, and the provisions of the Optional Protocol.

7. While noting the existence, within the National Assembly, of a Standing Committee on Human Rights, CESCR recommended establishing an independent national human rights institution, in conformity with the Paris Principles. It also recommended that the mandate of this institution include economic, social and cultural rights and that Kuwait seek technical cooperation with OHCHR in this regard. Such an institution should be empowered to receive, investigate and effectively address complaints of violations of child rights, according to CRC.

20. In 1998, CRC welcomed Kuwait’s efforts to mainstream children with disabilities, or who have learning difficulties, within regular classes, while at the same time providing complementary courses catering for the special needs of those children.

29. CRC urged Kuwait to enact specific legislation by introducing new amendments to the Criminal Code to ensure that all acts and activities referred to in OP-CRC-SC are fully covered under its criminal law and that such legislation provides equal protection for boys and girls. 83 It recommended taking all appropriate measures, including legislative measures, to prohibit corporal punishment in schools, in the family and other institutions, and in society at large. 84 CRC noted with appreciation that the Kuwaiti Army Act prohibits the involvement of persons under the age of 18 in hostilities and nevertheless regretted the lack of legislation on the issue of child recruitment in order to protect children from recruitment abroad. 85 CRC welcomed steps taken to end the practice of camel racing with children as jockeys. 86 However, it recommended that Kuwait revise its legislation in order to explicitly prohibit, without any exceptions, the use of children in camel racing and other harmful activities. 87

33. CRC noted that the Criminal Code provides for jurisdiction over offences that occur abroad as long as their effects extend to the State or if the alleged perpetrator is a Kuwaiti national and the act is defined as an offence in both Kuwait and in the State in which it was committed. However, CRC was concerned that the exercise of this extraterritorial jurisdiction is dependent on the condition of double criminality and that it does not cover all the offences and situations referred to in OP-CRC-SC. CRC recommended that Kuwait take all necessary measures to establish its jurisdiction over all the offences and situations referred to in OP-CRC-SC and revise its 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 Kuwait.

36. CRC was concerned at the situation of the administration of juvenile justice and recommended that Kuwait consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention and of other United Nations standards. CRC added that particular attention should be paid to: considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time; the protection of all the rights of children deprived of their liberty; and, when appropriate, to encouraging alternatives to the processing of cases through the regular penal system.
50. CRC found commendable the extensive social welfare services available to citizens at either no cost or at only a fraction of the real cost. A 2007 UNFPA report indicated that Kuwait has virtually eliminated economic poverty among Kuwaitis. However, there are persisting problems, in particular severe weaknesses in human and social development, ineffective delivery of public services, unemployment and structural disparities in the labour market, and environmental degradation. It was also observed in the report that the reduction of government subsidies and the need to promote privatization policies constitute major challenges in a society used to and expecting continuing welfare support.

51 CESCR was concerned that abortion is allowed only when the life of the mother is endangered and recommended that the legislation on abortion include other motives for performing legal abortion with a view to preventing illegal abortion and that Kuwait develop a comprehensive sexual and reproductive health program. CRC was concerned at the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services.

52. CESCR was concerned that Kuwait does not provide free compulsory education to non-Kuwaiti children as a right enshrined in the Covenant and urged it to adopt the necessary measures to ensure that non-Kuwaiti children living in Kuwait have access to free compulsory education. It recommended that Kuwait provide disaggregated data in this regard.

Stakeholder Compilation

13. RI stressed that after 1985; Kuwait dismissed Bedun from their jobs, barred their children from schools, and revoked their driving licenses. According to RI, following the liberation of Kuwait from occupation by a neighbouring country in 1991, the government stepped up its efforts to strip the Bedun of their rights. They were fired en masse from positions in the military and police, and only a small fraction was rehired. Similar information was provided by Kuwaiti Society for Human Rights (KSHR). RI mentioned that those dismissed could not collect their severance pay unless they produced a passport, either Kuwaiti or foreign, or left the country. Tens of thousands of Bedun who had fled the country or were forced to leave subsequently were not allowed to return.

20. Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported on the legality of corporal punishment of children in Kuwait despite the recommendations of the Committee on the Rights of the Child and strongly recommended that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings, including under Islamic law.

29. According to RI, many Bedun are reluctant to marry, because they can not support a family and fear that their children would face the same hardships. Those who married were denied marriage certificates, though some go to unusual lengths to obtain one. Couples must either bring lawsuits to prove in court that they are indeed married, or arrange to have their marriages registered in another Arab Gulf country. Some stateless couples use a legal resident’s name. Other families are forced to live separately in their attempts to resolve their problem by changing their marital status or by traveling to countries where they think they can find alternative solutions.

Final Report and Conclusion - To Follow after the review