

For participants only

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COMMITTEE ON THE RIGHTS OF THE CHILD

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Pre-sessional Working Group

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IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the  
consideration of the initial report of  
Kuwait (CRC/C/8/Add.35)

General measures of implementation  
(articles. 4, 42 and 44 para. 6)

1. Please indicate the status of the Convention on the Rights of the Child in relation to domestic law. Can the provisions of the Convention be invoked in domestic courts? If so, please provide some examples.
2. In light of the recommendations adopted in the Declaration and Plan of Action of the Vienna World Conference on Human Rights (1993), please indicate if the State party has considered the possibility of reviewing its declarations on articles 7 and 21 of the Convention with a view of their withdrawal.
3. Please provide further information on the following:
  - a) existing coordination, with regard to child policies, between the central Government and district and other local authorities;
  - b) existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues; and
  - c) existing or foreseen mechanisms, both at central and local levels, for the monitoring of the implementation of the Convention.
4. In light of paragraph 23 of the report regarding child-care development plans, please provide any information on whether new plans have been adopted and implemented following the five-year development plan of 1989/1990 to 1994/1995. Has there been any evaluation of the achievements and constraints of the previous plans?
5. Please provide detailed information on the Parliament Committee for the Defense of Human Rights and the Human Rights Unit in the Ministry of Justice. What are the mandate and financial as well as human resources of each of these bodies, and how do they relate to other

Governmental and non-governmental entities? Do any of these two bodies have a particular programme or focus on children's rights?

6. Please provide information on mechanisms expressly relevant to children under the age of 18 that have been developed for the determination of appropriate indicators and the collection of disaggregated data concerning the status of children, including non-citizen children, girls, children with disabilities and children belonging to minority groups, including Bedoons, in order to design policies and programmes for the implementation of the Convention. Has an evaluation been made of the effectiveness of these mechanisms?

7. Please describe the policy in relation to the implementation of article 4 of the Convention with regard to the allocation of economic, social and cultural rights to the maximum extent of (...) available resources for the rights of the child and indicate what guarantees exist to ensure that central and local authorities are guided by this principle in the designing and implementation of their policies. In this regard, how are children with special needs protected?

8. Please provide information on measures taken to train professional groups such as educators, teachers, judges, lawyers, law enforcement as well as army personnel and officials, civil servants including at the local level, personnel working in institutions and places of detention for children, health personnel including psychologists and social workers, about the Convention. In addition, please further indicate what measures have been taken to raise the awareness of Government officials, legislators, community-based organizations, religious leaders, the mass media and the public at large including children themselves about the principles and provisions of the Convention, and to disseminate the Convention to these groups.

9. Please provide more details about the process of preparing the report, including the extent to which non-governmental organizations were involved. Please also indicate in what way the different mechanisms intervening in the field of welfare policies for children relate to non-governmental organizations in the State party, at the national, district and local levels and how popular participation is ensured.

Definition of the child  
(article 1 of the Convention)

10. Please provide information on the minimum legal ages for access to employment other than in the private sector; voluntary enlistment into armed forces; giving testimony before a court; lodging complaints; legal or medical counseling without parental consent; and sexual consent. Please further indicate if the State party has envisaged raising the minimum ages of criminal responsibility and marriage for girls.

General principles  
(articles 2, 3, 6 and 12 of the Convention)

11. In light of article 2 of the Convention, which requires State parties to respect and ensure the rights set forth in the [present] Convention to each child within their jurisdiction without discrimination of any kind please provide further information on the full enjoyment of rights for children who are non-Kuwaiti nationals, especially in the fields of education, health and other social services.

12. What specific steps have been taken to promote the rights of girls and prevent as well as combat discrimination against them?

13. Please indicate the percentage of population living in urban areas. Please also indicate what measures have been taken by the State Party to reduce disparities between the different governorates, especially with regard to access to health, education and social services.

14. In light of articles 3 and 12 of the Convention, please provide additional information and detailed examples on the ways in which the principles of the best interests of the child and the right of the child to express his or her views and respect for the views of the child, are taken into consideration in legislation as well as in judicial, administrative and other proceedings, or through actions undertaken by social welfare institutions.

Civil rights and freedoms  
(articles 7, 8, 13-17, and 37 (a) of the Convention)

15. In light of the Kuwaiti Nationality Act, which specifies that the nationality of the child is dependent on the nationality of the father, please specify the status of children of Kuwaiti mothers who are married to stateless persons and/or non-Kuwaitis or to a Bedoon. Are there cases of stateless children in Kuwait?

16. Please provide information on the number of Bedoons, including children, living in Kuwait. How many Bedoons were granted residency? Do non-nationals have the right to go to public schools and benefit from health services? Please provide information on the achievements of the Central Committee to Settle the Situation of Bedoons, established in October 1993 within the Ministry of Interior.

17. Please provide information on the process of deporting non-nationals and their detention in Talha prison awaiting deportation. Are there children among those awaiting deportation? What is the process for deciding on deportation? Is there an appeal procedure?

18. In light of paragraph 2 (b) of the report, please provide information on the results of the review of the Family Fostering Act No. 82 of 1977. Have new provisions been adopted in relation to children of unknown parentage? Please also indicate whether such review resulted in other amendments of the provisions of the Act.

19. In light of paragraphs 86 and 87 of the report, please explain the process of placing children in institutions. Please also indicate whether a mechanism for periodic review of the placement of children in these institutions exists, as guaranteed by article 25 of the Convention.

20. In light of information provided in paragraph 106 of the report, please provide further information and examples on agreements that were concluded with other States in order to regulate legal aid in the civil, commercial, criminal and personal status fields. Please indicate whether any bilateral or multilateral agreements have been concluded concerning custody or fostering of children and their movement across international borders (paragraphs 4 and 113 of the report).

21. Please provide information on the occurrence of maltreatment of children. Have specific programmes for the prevention of ill-treatment of children been developed at the central and local levels? What specific legal provisions exist to protect children from being ill-treated in

their homes, schools and other institutions? Is there a complaint procedure which can be used by children? Have any cases of ill-treatment of children been submitted to the domestic courts? Please also indicate if corporal punishment within the family, in schools and other institutions is prohibited by law.

Family environment and alternative care  
(Arts. 5, 18 paras. 1 and 2, 9-11, 27 para. 4,  
20-21, 19 and 39 and 25 of the Convention)

22. Please indicate how the situation of children placed in *kafalah* or foster care is monitored.

23. In light of information provided in paragraph 22(e) of the report, please indicate whether the Personal Status Act No. 51 of 1984 also applies to non-Kuwaitis. What is the situation in relation to custody and maintenance for children of a non-Kuwaiti mother or father who is married to a Kuwaiti?

24. Please indicate if the State party has undertaken measures to prevent and combat domestic violence. Please also indicate if the State party has established programmes for the psychological and physical recovery as well as social reintegration of children victim of abuse and violence.

Basic Health and Welfare  
(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3  
and 27 paras. 1-3 of the Convention)

25. Please provide data and further information related to adolescent health including teenage pregnancy, HIV/AIDS, all forms of violence, including suicide and mental health problems. What policies and programmes are presently in place or planned for the prevention of these problems and for the provision of care and treatment for persons under the age of 18?

26. Please specify measures undertaken or foreseen by the State party to prevent and combat early marriage of girls. Are there any studies on the extent and spread of the practice?

27. In the light of information provided in paragraph 3 of the report, please indicate whether the Disabled Persons Act has been adopted and, if so, what are its main provisions in relation to the rights of children with disabilities.

28. Please provide further information on the social security system. Does the insurance also cover family members of workers? What are the benefits covered by the social security scheme? Additionally, are non-nationals covered by this scheme or any other insurance system? Furthermore, in the light of Article 18 (3) of the Convention, please provide information on maternity leave, other benefits, and the availability and distribution of child care services for all working parents.

Education, leisure and cultural activities  
(articles 28, 29 and 31)

29. Please indicate the measures being undertaken to ensure regular school attendance and

reduce the school drop-out rates, particularly for girls. What is the enrollment rate of students at the first grade? What is the drop-out rate? Please provide disaggregated data by sex and indicate the specific measures taken to reduce the high level of illiteracy, especially among females.

30. Please indicate what measures have been taken to evaluate the access and quality of education for all children, including non-Kuwaitis. In light of information provided in paragraph 179 of the report, is the Schools Activities Department carrying out any activities to promote the Convention on the Rights of the Child and other international human rights instruments? In light of article 12 of the Convention, please indicate whether measures have been taken or are foreseen to promote the participation of children within the educational system, with a view to enhance dialogue between children, teachers and parents.

Special protection measures  
(articles 22, 30, 32-40)

31. Please provide information on legislation that governs the determination of refugee status. What is the current number of asylum seekers and refugee children living under the jurisdiction of the State party? Please also indicate how the State party is ensuring, through legal and other measures, that the basic rights of those children, such as access to health, education and social services are guaranteed.

32. Please provide information on efforts for removing land mines and other unexploded ordnance. What preventive measures have been taken for educating and warning children against the risks of land mines? What efforts have been made to mark areas where these land mines exist with signs that are easy for children to recognize and understand? Please provide information on existing or foreseen efforts and programmes to provide rehabilitation and treatment for children traumatized by armed conflicts, including victims of land mines, in light of article 39 of the Convention.

33. Please provide further information, in the light of articles 37, 40 and 39 of the Convention on the possibility to have prompt trial, and to have prompt access to legal and other appropriate assistance, as well as for challenging the legality of deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon. Is it possible to have periodic review of the placement decision? Please also provide disaggregated statistical data on the number of juvenile offenders.

34. In light of information provided in paragraphs 2 and 214 of the report, please indicate the result of the review of the Juveniles Act No. 3 of 1983.

35. Please provide further information on the treatment of juvenile offenders, in particular on the following:

- a) the measures taken to ensure contact between the child and his/her family;
- b) how the conditions of children in detention are monitored;
- c) whether flogging is used as a sentence;
- d) whether there are complaint procedures to deal with issues such as ill-treatment which are independent from the authorities of detention and correction institutions. How effective are these procedures?
- e) education, health and other social facilities;

f) services for the recovery and rehabilitation of offenders and their effectiveness.

36. In light of information provided in paragraphs 229-239 of the report, please explain how the legislation relating to the minimum age for access to employment, and the prohibition of harmful work is being applied in practice. What is the scope of application of the Private Sector Act No. 38 of 1964 - as amended? Please provide further information on legislation that regulates the employment of non-Kuwaitis. Please indicate if any studies have been carried out on the situation of child labour. Please provide information on the State party's policy for the protection of children living and/or working on the streets, particularly Bedoon children. Are there any programmes to provide vocational training or education for children living and/or working on the streets? Has the State party envisaged acceding to the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families?

37. Please provide information on the situation of sexual exploitation of children. Have there been cases registered? Please also provide information on the legal framework protecting sexually abused and exploited children. In light of article 39 of the Convention, are there rehabilitation facilities available for these children? Finally, please indicate whether a comprehensive Plan of Action as follow-up to the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children has been adopted and achievements in this regard.

38. In light of information provided in paragraph 195 of the report concerning civil defense, please provide further details on participation and minimum legal age for such involvement.

39. In light of information provided in paragraphs 88, 217 and 219 of the report, please indicate the criteria used to identify children at risk of becoming in conflict with the law. How long are these children kept in institutions? What is the possibility of periodic review for the placement of the juvenile in the social welfare institution?