



**Convention on the Rights  
of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

SUMMARY RECORD OF THE 1302nd MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 24 January 2008, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Initial report of Kuwait under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)  
(CRC/C/OPSC/KWT/1; CRC/C/OPSC/KWT/Q/1 and Add.1 (continued))

1. At the invitation of the Chairperson, the delegation of Kuwait took places at the Committee table.
2. Mr. POLLAR asked what steps the State party had taken to make Kuwaitis, in particular those who travelled abroad, more aware of the provisions of the Optional Protocol. He also wished to know what was done to alert children to the dangers of the Internet, on which pornographic material was disseminated, whether non-governmental organizations (NGOs) or the media organized campaigns on that subject, and whether there existed a law explicitly prohibiting the production and dissemination of that type of material.
3. Mr. AL-OTAIBI (Kuwait) said that despite the considerable efforts made by the State party in the area covered by the Optional Protocol it still needed to create bodies responsible for protecting children and determining the priorities of their protection. The criminal law contained provisions which punished the exploitation of children.
4. Mr. AL-SAEEDI (Kuwait) said that Kuwait's criminal law punished the abduction of children, trafficking in children, indecent behaviour and prostitution. Article 185 of Criminal Act No. 16 of 1970 provided that anyone who engaged in trafficking in persons was liable to a penalty of up to five years' imprisonment. However, there was no legal instrument dealing expressly with the sale of children.
5. Mr. KOTRANE (Country Rapporteur for the Optional Optional Protocol on the sale of children, child prostitution and child pornography) pointed out that the Optional Protocol did not address solely trafficking and the sale of children but also certain other activities, such as the forced labour of children. The State party's legislation ought to define the forced labour of children as a form of the sale of children. Furthermore, marriages in which a girl was given a sum of money as compensation should be treated as the sale of children. The State party's criminal law should expand the range of activities deemed unlawful and define the offences in question with precision.
6. Mr. FILALI asked whether there were any judicial organs responsible for matters connected with the sale of children.
7. Ms. JAWHAR (Kuwait) said that there was a bill on forced labour, which envisaged raising the minimum age of entry to employment, in conformity with the Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105) of the International Labour Organization (ILO). Decree No. 152 of 2004 prohibited all work which might have an impact on children's physical or mental health or would prevent them from pursuing their education. Minors were permitted to work under a 2004 decision for the purpose of training, subject to the written authorization of the Ministry of Social Affairs and Labour. Employers were required to have such children undergo a medical examination.

8. There were also legislative texts which prohibited the sexual exploitation of children and child pornography. Under the criminal law persons who engaged in activities connected with pornography or pornographic material were liable to fines and terms of imprisonment.
9. Ms. AL-RAMIDEEN (Kuwait) said that bills had been submitted to Parliament in 2007 on, inter alia, the licensing of day nurseries for children, children whose parents were unknown, and orphans; those bills should be adopted shortly. The family protection bill defined the categories of children to whom assistance should be given.
10. Mr. AL-SHATTI (Kuwait) said that a centre had been established in 2007 with a budget of three million dollars in order to combat the employment of children as domestic servants. It was responsible for checking the ages of domestic workers – who must be at least 18 years old – and taking charge of those of them who needed protection or had suffered injustices. It also ensured, by means of compulsory medical checks, that persons who came to work in Kuwait from States with which agreements had been concluded were not minors. The Ministries of Social Affairs and Labour, Foreign Affairs, and Justice also checked the ages of domestic workers.
11. A system of legal protection for victims had been put in place. The juveniles police, the Office of the Public Prosecutor for Minors and the Supervisor of Conduct were responsible for establishing whether a minor was the victim of an offence. An office of the Ministry of the Interior also handled complaints from victims of offences.
12. Cases involving children who had suffered violence were heard in camera; furthermore, in order not to cause them additional distress, young victims were permitted not to attend the proceedings. They were represented by counsel, who later informed them of the verdict. If it appeared that a victim, even a minor, had committed an offence, he or she was not tried for that offence and his or her record remained clean. The maximum fine which could be imposed on a victim was equal to one half of the fine normally imposed. Kuwait had care centres with a budget of 138 million dollars which took in children victims of the offences covered by the Optional Protocol.
13. The CHAIRPERSON asked what was meant by the expression “a victim ... had committed an offence”.
14. Mr. AL-SHATTI (Kuwait) said that it sometimes happened that the victim had committed an offence. For example, minors were sometimes involved in activities connected with procuring or prostitution. When the case was heard, the victim must prove what his or her role had been. However, a minor victim would never be sentenced to death.
15. Mr. ZERMATTEN asked for details of the position of victims affected by the offences covered by the Optional Protocol, in particular in proceedings against adult perpetrators of the offences in question. What protection measures were provided for minor victims?
16. Ms. AL-SHATTI (Kuwait) said that officers of the Interior Ministry’s Department of General Security and of the police stations in the country’s various provinces, on receipt of complaints and communications, went to the sites where the offences had been committed, collected data and information and referred the cases to the juveniles police, which was responsible for carrying out investigations to find the perpetrators.
17. Mr. AL-SHATTI (Kuwait) said that if the perpetrator of an offence was one of the persons responsible for the protection of the victim, the judge imposed a much heavier sentence, and the

Supervisor of Conduct was authorized by the Ministry of Social Affairs and Labour to remove victims from their families and entrust them to other persons or place them in a care centre.

18. Ms. ALUOCH said that she would like to know what protection was provided for minor victims involved in judicial proceedings, apart from the option of not attending the hearing of the case, and to which bodies a child could turn to report that he or she was a victim of one of the offences covered by the Protocol.

19. Mr. AL-SHATTI (Kuwait) said that children could apply to the juveniles police or the Supervisor of Conduct. Families could lodge complaints as well. There was also a telephone hotline.

20. Mr. ZERMATTEN said that he would welcome fuller information about the role and status of the Supervisor of Conduct.

21. Ms. AL-RAMIDEEN (Kuwait) said that the Supervisor of Conduct was a social worker who studied the cases referred by juvenile courts and then submitted a report back to the juvenile court. The Supervisor of Conduct was concerned with the social protection of children and had no judicial or military remit.

22. Ms. AL-TARKEET (Kuwait) said that officials of the Health Ministry's Department of Social Affairs who were members of the Committee on the Protection of Children were attached to all of the State centres and hospitals. In the event of violation of the Optional Protocol, they drew up a report for the Ministry. No cases had been reported to date.

23. Mr. CITARELLA said that he wished to know which aspects of pornography were prohibited (production, sale, possession, aids).

24. Mr. KOTRANE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) reverted to the question of the Ministerial Decree banning minors from taking part in camel racing. He asked whether the races were organized by public or private clubs or by individuals and whether the State party envisaged adopting an act establishing the activity as an offence and specifying the applicable penalties, for the Decree itself did not provide for the punishment of violators..

25. He had the same concern with regard to the Ministerial Decree prohibiting children aged under 18 from working, for it did not provide for penalties either. He asked whether the State intended to adopt an act authorizing the punishment of the offences in question or whether the existing law, which provided that children aged between 14 and 18 could work as domestic servants under certain conditions, would be aligned with ILO Convention No. 138, which banned all work by children aged under 18.

26. Ms. JAWHAR (Kuwait) said the participation of minors in camel racing was prohibited and liable to punishment. The Decree referred in fact to the labour legislation, which authorized the suppression of the participation of children in camel racing when it was carried on for profit. The measures taken by the Government to prevent children from taking part were coordinated with the Ministry of Sport: the grant of 120,000 dinars made to sports clubs was withdrawn if they engaged in unlawful activities.

27. Ms. AL-THANI pointed out that while Article 1 of the Ministerial Decree banned minors from taking part in camel racing, Article 2 allowed a number of exceptions. Should not Article 2 be revoked in order to ensure an absolute ban?
28. Ms. JAWHAR (Kuwait) agreed that the ban should be clearer but stressed that Article 2 was not applied in practice. Minors were therefore not authorized to take part in camel racing. Jockeys had in fact been replaced by robots.
29. Mr. AL-OTAIBI (Kuwait) said that the participation of minors in camel racing was no longer a problem in Kuwait, for camel racing was no longer a popular sport.
30. Mr. AL-SHATTI (Kuwait) stressed the absolute nature of the prohibition of the employment of children aged under 18 as domestic servants. Any minor in that situation was regarded as a victim: he or she was questioned by the social services and underwent a medical examination. The file was then transmitted to the judicial services. Such an early detection system had been established in many Gulf countries, including Kuwait.
31. Ms. ALUOCH asked whether minors whose employment had been proved were entitled to compensation.
32. Mr. AL-SHATTI (Kuwait) said that the courts decided on the compensation to be awarded to victims.
33. Mr. ZERMATTEN asked what monitoring arrangements had been put in place and how the age of a worker suspected of being under age was established.
34. Ms. JAWHAR (Kuwait) said that the Ministry of Social Affairs and Labour had a special labour inspection unit empowered to check all work places without prior notice. The inspectors also had legal powers and could investigate the records of the care centres.
35. If there was any doubt about the age of domestic worker, the case was reported to a competent official of the Ministry of Social Affairs and Labour, who ordered a medical examination to determine the worker's age and his or her capacity to perform domestic work. The relevant conditions were set out in the Social Affairs Act.
36. Ms. AIDOO said that she was not convinced by the delegation's statement that no violations of the Optional Protocol had been reported in Kuwait and that she wished to know the findings of the studies on the application of the Optional Protocol carried out by the Ministry of Social Affairs and Labour and the Department for Social Development.
37. Ms. AL-RAMIDEEN (Kuwait) said that the Ministry of Labour and Social Affairs had a social assistance unit which conducted studies and collected information about cases of offences against children and about children placed in care centres. The unit also kept statistics on offences committed by minors. To date, it had no figures on cases of the sale of children.
38. Ms. AL-SHATTI (Kuwait) added that the Interior Ministry's police unit responsible for protecting children also kept statistics on all offences committed against and by minors; those statistics covered the number of cases, the sex and age of the victims and offenders (in the 7-15 and 15-18 age groups) and their nationality. Most of the offences in question were covered by the Optional Protocol.

39. Ms. AL-SABAH (Kuwait) said that those statistics were similar to the ones produced by the Ministry of Social Affairs and Labour.
40. Mr. CITARELLA asked how many cases of children taking part in camel racing and of minors working as domestic servants had been recorded.
41. Ms. ALUOCH asked whether the trafficking in persons bill defined the specific offences covered by the Optional Protocol.
42. Ms. JAWHAR (Kuwait) repeated that the Ministry of Social Affairs and Labour had no figures on cases of children taking part in camel races, for no such cases had been reported to it.
43. Mr. AL-MANEA (Kuwait) said that Article 2, paragraph 7, of the trafficking bill provided for the punishment of any person engaging a minor or a person with special needs in trafficking, including the death penalty if the victim died in the course of the activity in question.
44. Ms. JAWHAR (Kuwait) said that the Artistic Publications Act imposed fines or prison terms, depending on the case, in respect of the publication or distribution of child pornography. In addition, the Penal Code provided for the imposition of heavy penalties on anyone who sold or distributed obscene drawings.
45. Mr. KOTRANE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that a fine was an insufficient deterrent and urged the State party to bring its legislation into line with the Optional Protocol.
46. Ms. JAWHAR (Kuwait) said that Kuwait did not ratify an international instrument until it had scrupulously verified its compatibility with domestic law. The Artistic Publications Act not only established the penalties already mentioned but also provided for the confiscation of all indecent material, the closure of the enterprise, and the withdrawal of its licence to publish. The available penalties were therefore severe; they were even more severe if the offence was repeated. It should also be noted that the Act had been amended in 2004 to extend its scope to distribution by means of new technology (CD, DVD and the Internet).
47. Mr. FILALI said that he would like to know about any jurisprudence with regard to cases of possession of child pornography.
48. Mr. AL-OTAIBI (Kuwait) said that he did know of any prosecutions to date for possession of child pornography.
49. Ms. ALUOCH asked whether any perpetrators of the other offences covered by the Optional Protocol had been prosecuted and, if so, what sentences had been imposed on them.
50. Ms. JAWHAR (Kuwait) said that there had been no such prosecutions.
51. The CHAIRPERSON said that the reply astonished her and asked whether the Committee was to understand that the State party had never instituted any proceedings in respect of the acts referred to in the Optional Protocol.
52. Ms. JAWHAR (Kuwait) said that the legislation in force, in particular the Juveniles Act, was specifically designed to provide protection for children so that they did not fall victim to acts prohibited by the Optional Protocol.

53. Ms. AIDOO said that she agreed that the acts in question were hard to detect, especially when committed within the family, but could not believe that they simply never occurred in Kuwait. In paragraph 19 of the written replies (CRC/C/OPSC/KWT/1/Add.1) the State party referred to a number of care institutions for children; such institutions would not have opened their doors if there had not been any child victims. She would like to know if children taken into care were heard by the social workers and whether priority was given to family reunification whenever possible.

54. Ms. ALUOCH added that the initial report (CRC/C/OPSC/KWT/1) stated that 58 per cent of individuals who were abused during childhood abused their own children and that the members of the family of an addict, especially the children, were abused because of the addiction; that statement showed clearly that Kuwait did have child victims of abuse.

55. Ms. AL-RAMIDEEN (Kuwait) said that statistics on different types of sexual violence were available and that it was in respect of commercial sexual exploitation as defined in Kuwaiti law that no cases had so far been recorded. A mental health centre offered rehabilitation services for children who had suffered violence.

56. Mr. ZERMATTEN asked whether, if the official number of victims was unknown, the delegation could say how many children had been cared for by the mental health centre. In its concluding observations the Committee on Economic, Social and Cultural Rights had drawn the State party's attention to the increasing scale of trafficking in women and children in its territory and had indicated that the first step in protecting the victims was to acknowledge the existence of the problem.

57. Mr. FILALI, supported by Mr. KOTRANE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography), asked whether the legislation in force imposed an obligation on physical and moral persons to report offences which came to their knowledge and whether, for example, medical confidentiality could be lifted to permit such reporting.

58. The CHAIRPERSON asked whether victims had access to a telephone hotline.

59. Ms. KHATTAB said that the delegation should build on the measures introduced to change the perception of children victims of the offences covered by the Optional Protocol, in order to prevent their "revictimization".

The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

60. Ms. AL-RAMIDEEN (Kuwait) said that the function of the mental health centre was both to diagnose the children's problems and to attend to their reintegration. Provision of medical treatment and reunification with parents were addressed on a case-by-case basis. The statistics on offences against children for the period 2004-2006 indicated 35 cases of incest, 38 cases of indecent assault, nine cases of incitement of immoral behaviour, five cases of pornography, 29 cases of abduction, and 35 cases of attempted incest or indecent assault.

61. Mr. AL-DOSSARI (Kuwait) said that all primary and secondary schools had at least one social worker, who would inform the prosecution authorities of any cases of ill-treatment which came to light. Very recently, four primary pupils had reported a caretaker and maintenance personnel for sexual fondling; the case was being considered by an examining magistrate.

62. Ms. AL-TARKEET (Kuwait) said that committees responsible for reporting signs of violence had been set up in the hospitals; they had all the necessary reporting forms. The fact was that while instances of sexual abuse had been detected in that way, no case of an offence covered by the Optional Protocol had come to light so far.

63. Mr. AL-DOSSARI (Kuwait) added that the mobile units established by the Centre for Children and Mothers travelled the country to detect possible cases of domestic violence and, when necessary, interview the various family members. For prevention purposes the Centre also held seminars in schools to make children more aware of the issue.

64. Mr. AL-SAEEDI (Kuwait) said that persons who knew of offences committed against children but did not report them to the competent authorities were liable to penalties of up to one year's imprisonment. They might be doctors, social workers or other persons whose occupation brought them into contact with children. Furthermore, any person who impeded the dispensation of justice, by falsifying evidence for example, was also liable to criminal prosecution.

65. Ms. KHATTAB asked whether non-Kuwaiti children enjoyed the assistance of legal counsel when necessary.

66. Mr. KOTRANE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the State party envisaged taking such measures as might be necessary under Article 4 of the Optional Protocol to establish its jurisdiction over the offences referred to in Article 3, paragraph 1, when the presumed perpetrator of the offence was a national of Kuwait or had his or her permanent residence in its territory and when the victim was a national of Kuwait. He wished to know in particular whether a Kuwaiti court could try a Kuwaiti national or a person having residence in Kuwait who had committed paedophile acts at a distance of thousands of kilometres from the State party.

67. Mr. AL-DOSSARI (Kuwait) said that the Code of Criminal Procedure made no distinction between Kuwaiti and other children with respect to the automatic appointment of counsel when a child needed to be represented in judicial proceedings. The guardian of a non-Kuwaiti child could also be heard when necessary.

68. There was no reason why a 24-hour hotline should not be established in Kuwait for victims of violence, but it should be noted that, for the moment, such persons did not have the automatic reaction of dialling the police number when necessary. However, there were many means - through mobile units, doctors, staff of the Centre for Children and Mothers, and other social workers - of reporting possible offences against children.

69. Most of the offences covered by the Optional Protocol were punishable under Kuwait's criminal law; a committee had been set up in the Ministry of Justice and charged with the responsibility of revising domestic legislation, especially the criminal law, to align it with the provisions of the international treaties and conventions to which Kuwait was a party.

70. A bill to combat trafficking in persons had been submitted to Parliament for consideration. Furthermore, in the context of international cooperation the department of the Ministry of the Interior responsible for criminal investigations worked hand in hand with the competent authorities of partner States in the Arab world to fight transnational crime and hunt down perpetrators of the offences covered by the Optional Protocol with a view to their extradition.

71. Mr. FILALI asked whether Kuwait had in fact secured any extraditions to date.



72. Ms. AL-SHATTI (Kuwait) said that Kuwait had already extradited some persons through Interpol and that the competent authorities would transmit statistics on that point to the Committee.

73. Mr. FILALI said that there was a distinction between cases in which Interpol issued an international arrest warrant against a person and cases in which a given State was bound, under a bilateral agreement, to extradite a person from its territory to another State where the person would have to answer for his acts before the courts.

74. Mr. AL-MANEA (Kuwait) said that extradition was regulated by bilateral agreements and that, generally speaking, before extraditing anyone in response to an extradition application the competent authorities of the requested State must make sure that a number of conditions were satisfied, in particular that the person in question was a national of the requesting State, that the offence was punishable under that State's domestic law, that the decision was not subject to appeal, and that it was enforceable. If the subject of the extradition request had been convicted of participation in unlawful activities such as drug trafficking or in activities detrimental to State security, such bilateral agreements had binding force.

75. Mr. KOTRANE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) welcomed the constructive dialogue established with the high-level Kuwaiti delegation, for it had cleared up some of the confusion stemming from misunderstanding of some of the points addressed in the initial report. In order to prevent the commission of the offences covered by the Optional Protocol in the State party's territory and thus to protect children against those offences, Kuwait's Legislature should criminalize the acts in question.

76. Mr. AL-OTAIBI (Kuwait) welcomed the fruitful dialogue established with the members of the Committee and thanked them for their observations, which Kuwait would not fail to bear in mind when elaborating policies affecting the application of the Optional Protocol. He stressed the importance which Kuwait attached to that cause, which was evident from the size of a delegation composed of representatives of seven different authorities having competence in the matter.

The meeting rose at 5.45 p.m.

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