



The Human Line Organization's parallel report to the State of Kuwait's second periodic report presented to the Committee on the Rights of the Child.

In reviewing the second periodic report by the state of Kuwait by the committee, the Human Line Organization hopes that its report would be beneficial in presenting helpful information and shedding light on some of the important worrisome issues concerning human rights in the country.

About the Organization:

The Human Line Organization (HLO) is a civil society organization comprised of volunteer activists. Established in 2012, the organization aims to defend and promote human rights. The organization aims to achieve its goals through awareness and training on human rights principles and mechanisms, and the observation and documentation of human rights violations. HLO works on issuing objective reports on human rights issues in an effort to resolve them and thus promote the culture of tolerance and peaceful coexistence in society.

Executing the terms of the treaty in Kuwaiti laws:

Although article 70 of the Kuwaiti constitution states that international treaties ratified by Kuwait have the force of law, the judicial and executive authorities, however, have not taken enough measures to implement this article.

Having reviewed the Judicial Studies Institution's program for training courses aimed at judges and prosecutors, we found no training courses on human rights treaties, with the exception of one on international humanitarian law. A number of the members of the judiciary body and lawyers have enrolled in courses and workshops organized by civil society organizations which about relate to these treaties.

Recommendations

1. Including the essential conventions on human rights within the regular training curriculum for lawyers and members of the judicial authorities as a prelude to rely on in decrees issued by the judicial authority
2. Require the government to synchronize national legislation with the clauses of the International Covenant on Civil and Political Rights.

Age of Majority

There is no thorough and fixed definition for the age of majority in Kuwaiti law or when a child ceases to be a minor and enters adulthood. Based on civil law no 67 of the year 1980

2nd Paragraph of Article 92 "Age of majority is upon reaching 21 whole years" whereas in matters concerning juveniles a person comes of age at 18 years as stipulated in article 15 of law no. 3 of the year 1983. And while Personal Status law acknowledges the validity of a child's marriage upon reaching puberty, a person is not allowed to exercise his electoral right unless he has reached 21 years of age based on article 1 of law no. 35 of the year 1962 in matters concerning parliament member elections.

Recommendations:

1. Unifying the legal age of majority to be 18 years.

Child Marriage

- The minimum age stipulated in Kuwaiti law for registering a marriage is (15) years for females and (17) for males while the marriage contract itself is validated upon reaching puberty as per law 51 of year 1984 regarding Family and Personal Status (51/1984), which states:

Article 24 " for a marriage to be legitimate, parties have to be of age (puberty) and of sound mind" and

Article 26 " the notarization and authentication of a marriage contract is prohibited if a female has not reached 15 years of age and a male 17 years at the time of registering the contract".

Recommendations:

1. Passing legislative amendments to determine 18 as the legal age for entering into a marriage contract.

Violence Against Children:

- There is no legal definition for violence against children but there are certain acts of violence which are incriminated by Kuwaiti law regardless of whether they were incurred by a child or not such as: beating, killing, theft, breach of trust, verbal offense, defamation, sexual assault, rape (assault by penetration). Yet, the law does not criminalize disciplinary beating inflicted on children by their guardians or caretakers as is stated in article 26 of law no. 16 of the year 1960 by issuing penal code (16/1960) “ no crime is committed if the act is executed on the premise of exercising the right to discipline a child by one who is authorized by law to do so with the condition that boundaries are kept and the intention of beating is directed solely towards disciplining.”
- Due to the difficulty of distinguishing between disciplinary beating and physical violence or abuse inflicted on a child by one of his guardians or caretakers, legal authorities are weighed with the complications of charging an alleged perpetrator except in the case where a child has suffered evident physical harm. It is also believed that due to social factors on the one hand and the unawareness (bordering on ignorance) of some policemen on the other, lawsuits are not filed against guardians who misuse their right to discipline their children in cases where their beating resulted in extreme physical or psychological harm on a child. Resorting to a lawyer, moreover, is not a matter feasible or practical for most victims of violence either for financial reasons or due to the difficulty for a child to hire a lawyer without the consent of their guardian.
- In the case that a child sustains violence from his guardian and registers a case against him, the unit conducting the investigation is not obliged to carry out the procedure of separating a child from his guardian. There are moreover concerns towards ensuring the safety of a child in the event he/she is placed in care shelters belonging to the Ministry of Social Affairs and Labor if it were decided that he is required to be separated from his guardian.
- There is great concern on the lack of carrying out sufficient and adequate measures to protect children within the school environment lest they suffer from verbal or physical violence or sexual harassment. And although Kuwaiti law incriminates these violations and assaults, legal procedures are rarely enacted in the case that a child experiences sexual harassment since parents often refrain from filing a complaint for fear of damaging his child’s reputation. Furthermore, many school administrations tend to conceal such incidents and treat the matter with complete discretion whereby numerous cases do not even reach the school counselor and therefore the perpetrating student who committed the act is punished according to what the school administration sees fit which is usually being transferred to another school and it should be noted that other such incidents have been detected where the perpetrator continues to sexually harass other children at the school he/she was transferred to.
- In the event that a school administration does refer a case to the “Individual Cases” department (a sub-division of the Social and Psychological Services Department part of the Ministry of Education) which is specialized in evaluating individual cases and providing them with support and assistance to rehabilitate them socially, the services provided by the department will be ineffective and insufficient since there exists a great shortage in the technical staff and training as the department only has three employees who are expected to cover referred cases from all schools in Kuwait despite the lack of numbers and qualifications.

Unlike social rehabilitation, neither perpetrators nor victims of sexual harassment are not subjected to psychological rehabilitation even if they are referred by their school administration to the Social and Psychological Services Department except after attaining the approval of the abused child’s parent who is likely to refrain from giving approval due to the widespread societal belief that this rehabilitation will give the impression that his child is suffering from a mental or psychological dysfunction and in this case the responsibility of rehabilitation is left to the school’s social and psychological counselors who are in fact not effectively trained or even provided with a suggested treatment program for managing such cases which essentially leaves them unprepared. It is therefore up to the counselor to deal with each individual case based on his own personal experience and the plan that he finds suitable. Moreover, there is no

administrative requirement that obliges the counselor to follow-up on the case, which grants him the option of abandoning the case at any time or phase.

- Procedures that apply to cases of verbal and physical abuse are also applied on incidents of sexual harassment except that more cases of abuse are reported even though the correctional procedures usually do not exceed administrative punishments without ever initiating the process of treatment and rehabilitation.
- Measuring the cases of sexual abuse is difficult due to the fact that they are included within a more general genre titled 'Behavioral Indiscretions' but what is evident is that only a small percentage of these reported violations, a number that does not exceed 20%, have had a file opened for follow-up. Data also shows that no more than 7% of reported physical abuse cases and 4% of verbal abuse cases have had a file opened for treatment and assessment.
- There are no compulsory mechanisms in place to deal with cases that are reasonably speculated to have suffered verbal or physical abuse at home despite them showing clear physical and psychological signs. Instead these matters are subject to various estimates and evaluations some of which are those of school counselors and counselors working in the Social and Psychological Department. In some cases complaints are filed to the public prosecutor in an effort to protect the child except that this procedure is rarely taken and the child is often left to be a victim of abuse in spite of the school and educational system knowing that the child is suffering from abuse, Schools also lack suitable awareness programs for students to educate them on how to protect themselves from sexual abuse and physical violence and how to deal with the situation in the event that an abuse does occur.
- Investigators tend to conceal many of the records of cases, which doctors report of children showing signs of physical or sexual abuse regardless of the investigator's conviction that there is obvious evidence that the crime did occur believing that he is protecting something more valuable and that is a family bond.
- In many cases policemen refrain from interfering when a victim of domestic violence requests their help via emergency hotline due to the wide-spread assumption that parents have the right to beat their children.
- Under Kuwaiti law, an act is not considered rape or assault by penetration except if the vagina is not penetrated whereas sexual assault is any other act of sexual harassment without any penetration that occurs on females and males or penetrating the anus by the male sexual organ. The law places greater punishments on crimes of rape and assault by penetration.

Article 186 of the Penal Code states that "having sexual intercourse with a woman against her will, regardless of whether it were through force, threatening or trickery, the perpetrator is punished by execution or lifetime imprisonment. However, if the perpetrator was a relative of the victim or caretaker or a guardian or someone who has an authority over her or a servant who works for her or any of those formerly mentioned, the punishment will be execution." Due to the fact that the sole punishment placed on relatives of a victim and her caretakers is execution, many of families pressure their daughters to cede their right for fear that the head of the household will be executed along the psychological struggle she'll face knowing that she was the reason behind the execution of one of her relatives which would consequently lead many of the victims to abandon their cases and have the perpetrator escape from punishment.

Recommendations:

1. Increasing the number of specialists in the 'Individual Cases' department
2. Increasing training programs, courses and workshops to train employees working in the Social and Psychological Services department and developing them professionally.
3. Implementing a compulsory treatment program for both victims and perpetrators in case of sexual or physical abuse.
4. Providing awareness programs for students on violence and sexual harassment prepared and placed by the Ministry of Education and circulated on all schools
5. Obliging school administrations to submit complaints to the public prosecutor in case they reasonably suspect that a student has suffered from an act of violence or sexual harassment.

6. Amending article 186 of the Penal Code to remove the punishment of execution from it
7. Allocating specific laws to deal with violence against children
8. Incriminating disciplinary beating
9. Holding awareness programs and educational courses for parents to train them on how to deal with children and discipline them without resulting to violence
10. Tightening supervision and regulations over investigators in general and hospital investigators more specifically to prevent the concealment of cases and claims in the event that an act of abuse occurs on a child.

Education:

- Article 40 of the Kuwaiti constitution states that: "Education is a right for Kuwaitis, guaranteed by the state in accordance with law and within the limits of public policy and morals. Education in its preliminary stages shall be compulsory and free in accordance with law. The law shall lay down the necessary plan to eliminate illiteracy. The State shall devote particular care to the physical, moral and mental development of youth". And in article 13 that "Education is a fundamental requisite for the progress of society, assured and promoted by the State".
- However, law no. 11 of 1965 on compulsory education (11/1965) states in article 1 that: "Education is compulsory and free for all Kuwaiti children, male and female, from primary to intermediate levels. The state is obligated to provide school buildings, textbooks, teachers and all that is necessary to guarantee the success of compulsory education of human and material resources". This makes education in Kuwait compulsory and free for Kuwaitis only; for non-Kuwaitis, however, it is neither compulsory nor free.
- Public schools in Kuwait only admit, and provide free education to Kuwaiti students. The following groups are an exception, and they are admitted to public schools and provided with free education: children of a Kuwaiti mother married to a non-Kuwaiti, children of GCC citizens, children of foreign diplomats, children of non-Kuwaiti POWs and martyrs, children of employees in public schools including science lab technicians and librarians. As well as the children of the faculty members of Kuwait University, the Public Authority for Applied Education and Training (PAAET), Arab Open University, Kuwait Institute for Scientific Research and Saad Al-Abdullah Academy. Thus, the majority of Kuwaiti students are segregated from the majority of non-Kuwaiti expatriates, which in turn contributes to intolerance towards foreigners.
- Non-Muslims are not required to attend Islamic education classes. However, the Islamic education courses are representative of one Islamic school of thought, i.e. Sunni Islam, and it teaches prayers and other rituals different than how it is performed in other sects, i.e. Shia Islam (which makeup a large segment of society in Kuwait). Shia parents find themselves teaching their children two methods of prayer and other rituals, one for school and one for their own religious practices. And despite the existence of a licensed Shia school in Kuwait, it is required to teach the ministry of education's textbooks, including Islamic education courses (which are in accordance with Sunni Islam, not Shia). Moreover, no licenses were granted to any schools that teach other religions.
- In the textbook of the Islamic education course for the 10th grade, in "The nullification of the Oneness of Allah" lesson, (pages 37 to 46), there is a description of the beliefs and practices of other Muslim sects and religions, deeming them as "shirk" (believing in other gods beside Allah). This description includes Shia Muslims who constitute a significant percentage of Kuwaiti society; in turn, once a Muslim has been deemed a "mushrik" (who has not recanted these beliefs) he/she is then considered an infidel and thus condemned to death and is stripped of his/her possessions. Hence students are required to study and be examined in a course that describes them and considers them and their families to be infidels condemned to death. In addition to harassment and bullying witnessed by students while teaching this lesson, it also instills in students intolerance towards other religions and beliefs.

- Students and their guardians are not provided with the rules and regulations list of the school, which is issued by the Ministry of Education and applied on all public schools. A student thus attends school without having sufficient information regarding his rights and duties, nor the foundations that organizes his relationship with the school. Instead of the rules and regulations list the ministry distributes a guidebook to the guardians for each school grade that contains some goals and rules, which the ministry feels are of interest to the guardian.
- National education course is taught at a rate of one class per week for the elementary school level, afterwards the students doesn't get any courses of value oriented nature is taught until 12th grade where they are taught a course on Constitution and Human rights at a rate of one class per week. The Religious Institute students (which starts at 5th grade) are not taught any classes related to human rights.
- Although the goal of education in Kuwait in general, and the different school grades in particular is to encourage tolerance, promote acceptance of others and respecting the difference of opinion and to renounce fanaticism, yet, these principles are not fully implemented and practiced in school curriculums. The concept of tolerance that is taught is a concept where a child learns to respect those whom he shares a common ground with such as religion or race. Early school education doesn't teach or portray any culture other than local culture. Respect to difference of opinion in curriculums is impossible since they are only portrayed in negative aspect. Although the National Education course for the first 5 grade levels, and the 'Constitution and Human Rights' course for 12th grade are meant to promote these principles, yet, the review of these curriculums showed that these principles were not met.
- There was a notable retreat in the teaching of 'Constitution and Human Rights' classes in the last years, where it was taught before from 10th grade up until 12th grade for high school levels at a rate of one class per week, while now it is only taught for only the 12th grade at a rate of one class per week.
- There are approximately 125 private schools in Kuwait, they can be categorized as: Arabic schools, British, American, Indian, Pakistani and bilingual schools. Parents often complain that the educational services provided are below their expectations for the high tuition fees (which have increased repeatedly over the last few years). As for less expensive schools, the educational services are seen to be worse. The departments in the ministry of education concerned with private schools have refused to present any information about the conditions of these schools and the reasons behind the increase of tuition fees.
- It is believed that one of the reasons behind the increase in tuition fees of private schools are the high costs of construction in Kuwait, and the unreasonably high prices of real estate as well. In turn, this minimizes the competition between these schools and drives the owners to increase their tuition fees to cover for the abovementioned high costs.

Level	Minimum	Maximum
Kindergarten	KD233 (\$828)	KD2804 (\$9670)
Primary school	KD246 (\$874)	KD3644 (\$12,956)
Intermediate school	KD295 (\$1048)	KD3923 (\$13,948)
High school	KD361 (\$1284)	KD4392 (\$15,623)

- When applying to schools, the ministry of education -in accordance with student affairs regulations- requires a number of documents, like a valid residency for non-Kuwaiti expatriates, which deprives many children from the right to education. Stateless (Bedoun) applicants have to submit a birth certificate to complete the registration procedures. However, the stateless (Bedoun) who are under security restrictions are not allowed to issue birth certificates; they are issued a "birth notification". The ministry does not accept this notification as a replacement to the birth certificate;

however, the minister of education often issues an exceptional decree allowing applicants to register with the birth notification. But this procedure is neither regulated nor guaranteed.

- The “Charitable fund for students in need” covers education expenses up to an amount sufficient for attending a low tuition privet school, allowing parents to register their children at more expensive schools if they cover the price difference. Due to poor living condition of Stateless (Bedoun) families, stateless students are mostly concentrated at cheaper schools, and due to low competition between privet schools and poor supervision, the educational level of these schools have been declining. Also, these schools demand extra “Excellence Fees”.

- Non-Kuwaiti applicants to PAAET (The Public Authority for Applied Education and Training) are required to have a high-school diploma from Kuwaiti (or equalized in to it) with a grade of over 80%, which is higher than the percentage required of Kuwaiti applicants. Non-Kuwaiti applicants have only 50 seats reserved for the following groups:

1. The children of a Kuwaiti mother.

Be they stateless (bedoun) or citizens of other countries.

2. The wives of Kuwaitis.

3. Those who are decreed by law to be treated as Kuwaitis.

4. The children of members of the armed forces and police:

- Must have served for no less than 15 years.

- Be employed at the time, retired for having reached the age, health reasons or deceased.

5. The children of GCC citizens.

6. The children of faculty members or employees at the PAAET.

Stateless (Bedoun) applicants (of category 1, 2 and 4) are required to submit a photocopy of a valid Resident ID instead of the bedoun civil ID.

- The cost of privet university level education in Kuwait is higher than the ability of an average middle class family, meanwhile Kuwait University provides good quality education free of cost, Kuwait University used to admit limit categories of Stateless students, yet these categories have expanded in the past few years to include children of Kuwaiti Mothers, and Children of Non-Kuwaiti Martyrs, and the number of admissions designated for the Stateless increased to 150, however, still this number is not enough.

- The ministry of education often intervenes (moved mostly by pressure from members of the parliament) to restrict and stop some activities in schools or private universities when these activities include co-ed singing or dancing.

Recommendations:

1. Making the necessary legislative adjustments to make preliminary education compulsory and free for non-Kuwaitis. In line with article 28 point 1 (a) of the convention which Kuwait has ratified without reservations.

2. Enabling expatriate students who do not hold valid residencies and the stateless (Bedoun) who do not hold valid “review cards” issued from the central system of illegal residents to enroll in schools.

3. Desegregation of expatriate students into Kuwaiti public schools.

4. Allowing the followers of different religions to open their own schools and teach their children a curriculum that is in accordance with their beliefs.

5. Editing the curricula in accordance with concepts of tolerance and mutual respect and introducing the child to diverse world cultures.

6. To not restrict or obstruct the organization of cultural and artistic extra-curricular activities in schools.

7. Taking the necessary measures to ensure that the right to university-level education is available (with reasonable conditions) to stateless (bedoun) students.

8. The government should be actively involved in reducing tuition fees in private schools and increasing the standards of its educational services.

9. Taking the necessary measures to provide the guidelines and principles of education to the child at different school levels and define their rights and duties.

To include specialized curriculums of Human Rights at all school level, and to incorporate the principles of human rights in other school subjects.

Special Needs Children:

- The Kuwaiti Law for People with Special Needs mentions Kuwaitis and the children of Kuwaiti mothers, and does not include non-Kuwaiti persons with special needs. However, a number of articles can be applied to non-Kuwaitis with the approval of the Supreme Council of Disabled Affairs under certain conditions and regulations. The Council however, has not yet issued a by-law. All what non-Kuwaitis receive currently is an ID issued by the council, specifying the level of their disability.
- According to the law, training courses are regularly held for teachers in special education schools. However, the law has disregarded the need of teachers in regular schools for training courses, which would enable an early recognition of some cases of subtle and unclear disabilities in children.
- Children with special needs suffer most from the prolonged appointments in public hospitals without receiving enough care. For example: there are only two places designated to offer treatment for speech and communication difficulties. One is Salem Al-Ali Center for Speech and Hearing, and it receives a particular number of cases only under certain conditions. The other is the department of Speech and Swallowing in the Physical Medicine Hospital, which provides treatment for all speech and swallowing difficulty cases. And due to the fact that this hospital is the only place that offers free treatment of neurological-related swallowing difficulties, there is a waiting list of approximately 200 patients. There are 11 specialists, 6 therapy rooms, 4 of which are for children. As a result, the waiting between each treatment course (each course is one-month long), could reach an average of 8 months for cases that require constant uninterrupted treatment. This in turn aggravates their health conditions.
- There were a number of awareness campaigns aimed at educating the public about some of the difficulties faced by people with special needs, and the importance of helping them and respecting their public rights (such as not using their parking spaces). However, these campaigns have not approached the stereotypical image of disabled persons, to protect them from mockery and ridicule.

Recommendations:

1. To pass legislations for non-Kuwaiti persons of special needs, to provide them with their most important rights.
2. To train teachers to recognize and identify children with special psychological/educational/sensory needs in schools. To regularly organize courses and lectures to educate the teachers on the basic knowledge of the latest developments in this field.
3. To organize awareness campaigns to change the stereotypical image of people with disability.
4. To ensure that they are provided adequately with health services at the Physical Medicine Hospital, and to provide the medical staff to cover the needs of patients, especially at the department of Speech and Swallowing.
5. To work on reducing the waiting period, by providing more medical staff and treatment centers.

Adoption and Neglected children:

- The department of Family Care within the Ministry of Social Affairs, is responsible for the issues of adoption, and caring for children of unknown parentage and children of broken homes, up until the age of ten for boys, and thirteen for girls. One of the main purposes of the department is to encourage Kuwaiti families to sponsor children of unknown parentage through media outlets and other sources to portray the benefits of sponsorship.

- Kuwait implements the sponsorship system called foster care which is used instead of the adoption system compatible with the provisions of Islamic Sharia, instead of adoption. The adopted child through the sponsorship system is denied to have the adoptive family name or have a share in inheritance, even if the adoptive family wishes to and their set of beliefs allows it. Also, as a regulation of the sponsorship system, Non-Muslim families are not permitted to sponsor children.
- There are cases not included in the welfare homes system of the Family Care department, including children of known parentage both Kuwaitis and expatriates. And since they are not covered in the welfare homes system and there is no designated shelters or homes specific for these cases, they are being sent to reside in hospitals, residing in an environment which lacks the means to provide their basic rights, such as obtaining an ID, nurture and education. Their financial needs are usually covered from hospital staff of visitors and the nursing staff attends to them voluntarily.

Recommendation:

1. Passing legislative amendments to ensure that abandoned children with known parentage obtain proper care through suitable homes and shelters until their issues are resolved, and take suitable measure to ensure that Non-Kuwaiti abandoned children get to return to their countries.
2. Passing legislative amendments allowing adoption as another option besides sponsorship.
3. Increasing the number of specialized staff of social and psychological researchers and supervisory staff and ensuring that these staff obtain regular training.
4. Providing an independent building from the department of family care, as well as new homes for girls and categorize homes based on age and status.

Right to Citizenship:

- Although citizenship is automatically given to children of unknown parentage, yet the department of family care admitted that there are obstacles with regards to nationalizing children of known Kuwaiti mothers and unknown fathers, although article 3 of the Nationality Law states that a child of unknown parentage is automatically nationalized, it only allows for the nationalization of children of known Kuwaiti mothers and unknown fathers via special decree. As it is stated in article 3 of decree No. 15/1959 of nationality law No. 15/1959: “every child born in Kuwait of unknown parentage acquires citizenship, and every foundling is considered to be born in Kuwait unless proven otherwise. And it is allowed to give Kuwaiti citizenship through a decree issued by Ministry of internal affairs for children born inside or outside Kuwait, of known Kuwaiti mothers and unknown fathers or those of no legal relations to their father, and minors maybe treated as Kuwaitis through a decision issued by the Ministry of internal affairs until they reach adulthood (21 years of age) ”
- The Kuwaiti community to a large degree stigmatizes children of unknown parentage; if such a situation is exposed they're automatically subjected to social degradation and are shunned by the community. To avoid subjecting children to social rejection, the department of family care provides those children with a full name “child, father, grandparent”. And although the children’s parental condition is not stated in any of their legal documents, yet in their citizenship ID it is stated that they have been nationalized with accordance to article 3 of the Nationality Law. Which gives a clear indication to their condition as the article specifically covers the conditions of children of unknown parentage and consequently subjects them to society’s judgment. The mention of the article number according to which a person has been nationalized, is done for the sole purpose of distinguishing between people who are eligible to participate in the national elections from those who are not. Naturalized citizens have to go through a waiting period before being allowed to participate in the election as other established citizen, yet, this distinguishing mechanism has been in general a discrimination tool between Kuwaitis. It should also be noted that the department of Nationality and Travel Documents in the period between 1991-2011 has been issuing nationality document papers to children of unknown parentage stating

that they have been nationalized with accordance to Article 1 instead of Article 3, but since 2011 it began to write Article 3.

- A child born to a Kuwaiti mother is only entitled to obtain Kuwaiti citizenship if the conditions of clause No. 2 of Article No. 5 of the Nationality law apply, which require the parents to be divorced or the father to be dead. In addition, the child is required to be below 21, a Muslim and an Arabic speaker.

And due to the fact that parents want their children to get the best possible chances in life, and to ensure that their children have a better future since they are permanently residing in Kuwait, they might resort to the option of divorce so that their children can get citizenship, and therefore the children may end up being raised in a broken home. Since the law only allows for the nationalization of children below the age of adulthood, siblings might be subjected to separation if the oldest are not nationalized while the youngest are.

Recommendations:

1. Passing legislative amendments allowing for unconditional nationalization of children born to Kuwaiti mothers.
2. Passing legislative amendments to allow for unconditional, automatic nationalization of children of unknown fathers and known mothers, similar to that applied for children of unknown parentage.
3. Replacing Article numbers that indicate the reasons/ means to which a person obtained nationality by a general indicate of whether the person has been naturalized or a born national, in order to minimize direct discrimination.

Juvenile Care:

- There's no provision in Kuwaiti law that requires law enforcements to inform the juvenile at his arrest of the charges pressed against him, he is only informed of the charges during interrogation. Also, the law doesn't entail that a juvenile obtains legal assistance immediate to his arrest, however, the law does entail that every person accused of a felony must be provided with legal assistance during interrogation and trial. Although the right to hire a lawyer at interrogation is preserved, yet the interrogator has the authority to prohibit the lawyer from talking during the interrogation process. Also, there is no legal provision that obliges law enforcements to provide a certified translator for juveniles that don't speak Arabic during custody and interrogation. Therefore, law enforcement resort to non-professional translators which could lead to errors in translation which is not in the child's best interest.
- A legal body has been established to deal with juvenile case, consisting of: juvenile prosecution, juvenile court, police department of juvenile protection and department of verdict executions.
- Juveniles detained at social welfare homes are split into four categories: social observation homes for one boys and another for girls, which is used to detain children between the ages of 15 and 18 under suspension and remanded. The second is correctional homes one for boys and another for girls, which is a social, governmental institution under the department of juvenile care, part of the ministry of labor and social affairs, this institution is used to detain juvenile delinquents to serve sentences according to the ruling of juvenile court. Third is a social care home to detain juvenile delinquents from the age of seven and under the age of 18, which the juvenile courts orders their detention until they show behavioral improvement. Forth is a social hosting home, which receives girls subject to possible perversity, forwarded from juvenile police, ministry of education, child's guardian, juvenile detention centers or by request of the child himself.
- Total number of juvenile cases forwarded to the department of juvenile care in the year 2011 is 1316 case, 1244 male and 72 female.
- According to personnel of institutions related to juvenile care, improvements to conditions in social care homes have been made in the past three years, beating and solitary detention is no longer practiced. It was also common that juveniles sexually assault younger, weaker detainees due to lack of supervision at night, the small number of supervisors and their poor training, and due to the fact that juveniles sleep in crowded rooms that doesn't necessarily take into

consideration the age range of detained children (7-17 years old). However, there's a belief that the installment of security cameras, and the reduction in numbers of children sharing a room to three has reduced these cases. But nonetheless the allocation of an individual room for each child shall have a greater impact in protecting them for sexual assault. Information regarding the conditions of detainment in observation homes and correctional homes were un-attainable.

- It is noticed that a lot of juveniles have an illiteracy problem due to their condition, even though they might have completed school level in low expense private school. And therefore they must be enrolled in literacy programs.
- In December 2012, Majed Al-Shammiri (Saudi national) was detained in Jabriya Police station for 24 days, in violation of standard procedures which entails that a juvenile is forwarded to Juvenile prosecution for detention and interrogation, at the police station he suffered from abuse and sexual assault instigated by detectives during questioning and was subsequently forced to sign confessions. His father filed sexual assault, abuse and wrongful captivity charges case no. (1365/2010) Hawali, afterwards Sheikh Ali Al-Yousef head of criminal investigation department stated that those accusations were incorrect, and no investigation was made until the involvement and pressure of the Saudi Embassy in Kuwait. In April 2011 Majed Al-Shammiri filed a grievance complaint against closing his case file No. (1365/2010). Later Majed was found innocent in 11 cases filed against him.

Recommendations:

1. Make necessary legislative Amendments to Juvenile law No. 3/1983, in accordance to the international standards for juvenile detention.
2. Providing more social workers to cover the deficit in the supervisory staff that meet standard professional requirements and criteria of this profession.
3. To expedite work on the construction of a new juvenile care complex, specially that the existing facilities are in need of maintenance and repair.
4. Provide individual sleeping rooms for each juvenile detained to protect them from the possibility of sexual assault.
5. Passing legislative amendments to ensure that the law enforcements are obliged to provide certified translators for the child in his native tongue, and that the child is provided with legal assistance immediate to his arrest.

Child Care Facilities at Government, Oil or Private Sector Workplaces:

- It is customary in Kuwait for domestic help to care for children when the parents are at work. Considering that these domestic workers are not necessarily qualified to care for children; that a number of families do not assign workers with child care only, assigning them more chores in addition to child care, this in turn resulted in many cases of children being harmed intentionally and unintentionally. It is then necessary to provide a suitable practical daycare substitute for the wellbeing of children. Although the non-governmental Kuwaiti Labor Law has stated in article 25, that business owners have to provide a daycare facility for children under the age of 4, in workplaces where the number of female workers exceed 50, or 200 male workers. However, many companies have not observed this particular article of the labor law. As for the government sector, the public service labor law does not obligate governmental bodies to provide childcare facilities for their employees. Additionally, maternity leaves are issued by the Civil Service Commission.
- The general manager of the department of women and childhood at the ministry of social affairs, Mrs. Eqbal Al-Romaitheen has stated in 26, May 2012, that "there is a serious future plan by the higher authorities in the ministry and at the government, to establish daycare facilities for children at the mothers' workplaces, in the government sector, or even the private sector".

Recommendations:

1. To observe the implementation of the labor law article regarding the establishment of daycare facilities, at the companies that has met all the conditions.

2. To establish daycare facilities at government and oil sector workplaces.

Children's rights in the event of parental separation:

- The Personal Status Law states in article 190, that the person seeking custody has to meet the following conditions: Be of legal age, sanity, integrity, ability to raise the child, and care for his health and moral well being. The custodian has to be a "mahram") to the female child (i.e.: a male of whom a female has a certain family relation, this Islamic concept includes brothers, father, uncles and grandfathers) , the law also conditions that a "Mahram" must be living with a female of relation to be fit as a custodian for a girl. Custody is not awarded based on the level of competence and capability to raise the children. Additionally, the Personal Status Law awards custody to the mother, not the father. In case the mother dies or loses custody, custody rights is set by law through at a specific order of eligibility, starting from the mother and then her direct female relatives then the female relatives of the father; it is not given to the father unless there is no female custodian, or in case the male child reaches the age of puberty. The custody of the female child by female custodians ends only when the child is married. Hence, the father is not entitled to custody.
- The custody of the mother is nullified if she marries a person who is not a "mahram" to the children, disregarding her competency and capability to raise the children. Additionally, article 192 of the Personal Status Law does not allow the non-Muslim mother to have custody of the children after they reach the age of 7.
- The mother who is awarded custody cannot issue or renew her children's official documents if the father refuses to do so; unless she gets a court order, which is a long and costly process during which many of the children's vital needs are delayed.
- If the custodian denies the other parent their visitation rights, the other parent will have to go the police station to enforce their visitation rights; the children are then taken the police station to be taken by the other parent. And since the police station is not a suitable place for children, and their mere presence there might be traumatizing to them, many parents do not do this procedure so as to spare their children this experience. As a result, the children are deprived of seeing his/her parent.

Recommendations:

1. To amend the personal status law to award custody to parents based on competency and capability for custody.
2. To not discriminate in the conditions of custody between a Muslim and non-Muslim mother.
3. To instantly allow the custodial mother to issue all official documents for her children.
4. To establish a department to enforce visitation sentences; taking into account that its environment must be suitable for children.

Children's Right to A Healthy Environment:

- The country has suffered many environmental disasters that have affected residential areas with children. For example:

In 2002, immediately after the construction of Mishref wastewater treatment plant began, emerged the problem of leakage of Hydrogen Sulfide (H₂S) gas from a construction pit. The method used to dispose of water from that pit was through the rain drainage network, which resulted in the spread of H₂S odor throughout two nearby residential areas (Mishref and Sabah Al-Salem Areas).

And in 2009, during the trial of the plant, it was completely damaged due to poor specifications of materials used in the construction. As a result of the damages, the plant was completely shut down; untreated wastewater estimated at 180,000 m³ was discharged into the sea through the rain drainage network. Causing a sever contamination of air and water which continued for several months until the problem was resolved.

- The residential area of Ali Sabah Al-Salem previously known as Um Al-Hayman, is one of the highly exposed areas to air pollution in Kuwait. It is only 4 KM away from Shuaiba Industrial Area, which contains petro chemical plants, oil refineries, a power plant operated with high percent carbon fuel, and other heavy industries with highly toxic waste. It is also 200 m close to petroleum installation and constructions, despite the Kuwait Oil Company demands made to the Public Authority for Housing Welfare to relocate the area away from these sites.

This pollution has directly affected the health of the residents of this Area and neighboring Areas. Increased Number of Asthma cases was noted in comparison to other areas, as well as a higher cancer rate.

Recommendations:

1. Increasing the capabilities of Environment Public Authority, equipping its laboratories to enable it to function effectively.
2. Efficiently observing and inspecting plants and facilities which omit and dispose of pollutants and taking legal actions against violators.
3. Relocating residential areas away from plants, industrial areas and oil structures.
4. To educate the residents about the dangers of pollutions, and how to prevent it. To provide them with environmental information clearly and transparently.

Child's Labor:

- Labor law in the private sector prohibits the employment of children below the age of 15, it allows the employment of children between the age 15-18 according to the provisions of article 20 of the labor law in the private sector which states: "A- they are not to be employed in dangerous, health risk industries and professions, a list of such professions is to be issued by the Minister of Labor & Social Affairs, B- that they take a medical examination prior to their employment, and at semiannual basis after employment, they law also determines 6 hours as the maximum rate for daily labor of a child, and that a child shouldn't work for more than four continuous hours and that he is given a break of one hour.

Also, in article 18 of the law, if the child is employed as a trainee he is required by law to commit to a five year working period with his employer after completion of his training & gaining the profession's set of skills, otherwise he is to compensate his employer for the costs of training & education at a percentage equivalent to the remainder of the five year period that he has to complete.

- Due to economic pressures and to support their families which do not obtain sufficient financial support, a number of stateless and expatriate children resort to selling goods in the street, at very harsh conditions due to extreme temperature levels both in summer and winter, it was also noticed that some sell goods even in the morning which means that they don't attend schools.

Kuwaiti Juvenile Law classifies children who practice selling goods in the street as children subject to possible perversity, as per article 1: "the child is considered subject to perversity if he was found begging, or practicing a trade not fit for good living". And therefore those children are not only at risk of losing their source of livelihood due to confiscation, but they may also be subject to legal prosecution and detention at social hosting homes until his social, financial situation is resolved, this measure is considered to be not in the child's best interest where he's separated from his family and detained with juvenile delinquents. Resolving this issue is only achieved by ensuring that every person/family has the ability and access to a decent/sufficient source of income.

Recommendations:

1. To make legislative amendments to cancel or reduce the period of which a child is required to commit to an employment from which he obtained his training.
2. To ensure that every family of poor means gets proper and decent job opportunities, or sufficient financial assistance, so that a child is not forced to work to support his family.

Child's Right to Social Welfare:

Article 11 of the Kuwaiti Constitution guarantees the right to social welfare to Kuwaiti nationals only. Upon the legislation of the insurance law, the Public Institution for Social Security was established and assigned to insure security against old age, disability, illness and death for civil workers employed in the government, private sectors and oil sectors, as well as self-employed people.

The social security system covers all citizens, as well as the children of Kuwaiti mothers, and those who are treated as Kuwaiti citizens. It moreover provides a pension for retired employees varying from 65%-95% of the value of the basic salary when employed. Furthermore, retired employees have the right to a 30 KD increase (equivalent of 105.6 \$) for every additional child after the end of his service. It is important to note that the state treasury covers many of the costs of the social security system.

The social security system, however, does not include non-Kuwaiti residents or stateless individuals (Bedoun), even if they were employed in the government sector. There is moreover no parallel or alternative social security system to provide social welfare for residents (non-Kuwaitis and the stateless), although some sectors provide their employees with an end of service reward. Therefore, a child dependent on stateless parents or non-Kuwaiti residents has no social guarantee, which would ensure him a continued income and a decent living in case his parents retire.

Recommendations:

1. Provide a social security system that non-Kuwaitis working in Kuwait can benefit from, which would consequently benefit their children.

Health:

- Although the constitution declares in article 15 the state's commitment to public health, and that employers are obligated by the state to provide health insurance for their non-Kuwaiti employees in the private sector, which currently guarantees them the right to be treated in the country's hospitals, in 1999, however, law no. 1 of 1999 was issued regarding health insurance for foreigners requiring them to pay fees in return for health services. This law determines that certain segments of non-Kuwaitis have the right to receiving government health services and treatment; and they are: a. foreign women married to Kuwaitis b. children of Kuwaiti mothers and non-Kuwaiti fathers c. three domestic-workers and d. foreigners working in the public sector.
- In March of 2011 the "Company of Health Insurance Hospitals" tender was submitted. Based on the features presented in the tender profile, there are a number of obvious concerns regarding the quality of treatment services and their sufficiency in covering the needs of the targeted segments. This project is known as the Health System comprised of 10 health centers distributed among all six governorates and a few hospitals that are distributed among three governorates only; Al Jahra, Al Ahmadi, and Farwaniya, which are relatively distant from the residence areas of most expatriates. The minimum number of the total beds in these hospitals has been determined to be 900 beds with a minimum of 300 beds for every hospital at a ratio of 2 beds per 10,000 people, which is less than the current ratio of one bed per 649 people in government hospitals and in light of the current situation which provides treatment for all. Furthermore, there are fears that government policies are directed toward reducing the overall size of the project including the minimum number of beds made available after many companies abstained from entering the bid for the project.
- There are concerns that the range of treatments and services provided in the health insurance hospitals will not ensure a suitable healthy treatment for the targeted segments and, moreover, that the medical equipment available and medicine provided is of low quality and the level of employees from doctors and medical staff in these hospitals are of lesser skill in order to decrease the costs of implementing the project.

- Stateless citizens (Bedoun) are granted free medical treatment through the Health Care Charity Fund for Underprivileged Residents in Kuwait by means of health insurance whose costs are borne by the Zakat House (Bait Al-Zakat), which is an establishment financially supported by the state. There is the condition, however, that the recipient is required to gain approval from the Central System to Resolve Illegal Resident's Status, which in turn does not grant approval to those who have security restrictions placed on them.

Recommendations:

1. Ensuring that the level of health services intended on being provided to the health insurance hospitals does not fall below the current standards in government hospitals.
2. Facilitate the process of obtaining health insurance on stateless citizens who have security restrictions placed on them.

The Establishment of Public Benefit Societies:

- Article 4 of Law No. 24 of 1962, regarding Clubs And Public Benefit Societies read: "The following conditions must be met to establish a society or a club: A. It must have no less than 10 founders. B. Each founder must be above 18 years old, has not be convicted of a crime involving a violation of honor and public trust, unless he was rehabilitated".

Therefore, children are deprived of founding their own societies.

Recommendations:

- 1- Amend article 4 of the abovementioned law in order to allow children to establish their own clubs and societies.