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**The National Association of Familial Security “Rawasi”**

**The Report of the National Association of Familial Security "Rawasi"
Parallel to the Report of the State of Kuwait**

**Submitted to the UN Commission for the Rights of the Child**

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P.O.Box 460 Alyarmook 72657 Kuwait-Mobile 66660543- Fax 25337184

Twitter & Instagram: RawasiQ8 Facebook: rawasiq8.org

Web Site [www.rawasi-kw.org/ar](http://www.rawasi-kw.org/ar)

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* **Introduction**

In accordance with Resolution No (95/A) for the year 2011 of the Ministry of Social Affairs and Labour in the State of Kuwait, the National Association of Familial Security "Rawasi", was promulgated and published in the Official Gazette “Kuwait Today” in its issue No (1029) on 29th May, 2011. “Rawasi” Association is a public benefit association aimed at protecting familial security in the society by defending the rights of families and their members socially and legislatively, and by seeking to introduce legislations and laws that realize this aim. The Association diligently strives to activate and apply the legislations and civil laws of the State that ensure the realization of familial security.

As a result of the efforts of the National Association for Familial Security (Rawasi) in following-up of human rights issues in the State of Kuwait, the Association has obtained the consultative capacity granted by the United Nations on 24 July 2018.

The State of Kuwait has worked to promote human rights and to ensure their protection. It has also committed itself to several international and regional conventions related to human rights, including the UN Convention on the Rights of the Child, which the State of Kuwait acceded to in 1989. The Kuwaiti government, represented by the Foreign Ministry, held a number of meetings to introduce these international conventions and invited representatives of public benefit associations and of the various ministries of the State of Kuwait to attend them; the objective of these meetings was to present the actual measures taken to implement these treaties on the ground, and such meetings form an important initiative by the state through which everyone hopes to achieve a clear mechanism that would consolidate all the efforts towards ensuring the implementation of Human Rights Conventions in the State of Kuwait; the State of Kuwait has also adopted Law No. 21 of 2015 on the Rights of the Child, which represents a qualitative leap in the care of the rights of the child.

The National Association of Familial Security (Rawasi) submits this report to contribute to the further consolidation and care of the rights of the child in conformity with the international treaties signed by the State of Kuwait.

* **Methodology of the report preparation**

By virtue of its belief in the need for creating an influential partnership between civil society institutions and international and UN organizations, the National Association of Familial Security "Rawasi" has worked on the preparation of this report submitted to the commission of relevance “the UN Commission for the Rights of the Child” to contribute in providing the required information for the follow up of the implementation of the international conventions signed by the State of Kuwait.

This report has been prepared according to the following criteria:

• Articles of the Kuwaiti Constitution.

• Articles of the International Convention on the Rights of the Child, signed by the State of Kuwait in 1989.

• The final observations on the second report submitted by the State of Kuwait to the Commission on the Rights of the Child at its session held in October 2013.

• Child Rights Act, 2015.

• The recommendations accepted by the Government of the State of Kuwait during the submission of its previous reports on the elimination of all forms of racial discrimination and on the rights of the child.

• The cases received by the Association that resulted from the violation of children's rights.

• The interviews with doctors, psychologists, and specialists concerned with children’s affairs, and those concerned with the issues of children, persons with disability and others.

* **Themes of the report**:

**First: Child Law in the State of Kuwait**

In its second deliberation held on 24 March 2015, the Kuwaiti National Assembly passed the Child Protection Act and referred it to the government with parliamentary and governmental emphasis on the importance of this act, which is considered a positive step towards establishing the rights of the child in accordance with Article 24 of the CRC included in the International Covenant on Civil and Political Rights. The draft law contains 97 articles in nine parts; Part I contains preliminary and general provisions covering the definition of the child, and the determination of the age groups and the general rights and duties.

**The Association has noted the following:**

1. Lack of an independent body concerned with effectively coordinating the implementation of the Child’s Rights Act, and this mission was covered under the umbrella of the Supreme Council for Family Affairs, under which child protection offices affiliated to the Ministry of Health were established.

2. Lack of a comprehensive national strategy for children that adopts an integrated approach based on the Convention on the Rights of the Child.

3 The government has not carried out sufficient awareness campaigns to introduce the Child's Act and circulate it among all the categories of the society including children and adults.

**Second: Health Care**

**The National Association of Familial Security has noted:**

1. With the absence of adequate awareness, there is a clear effect of the welfare life on the health status of children in the State of Kuwait, which resulted in several problems in terms of relying on a nutritional diet that contains many foods that are harmful to the health of the child in the long term, as well as the use of electronic devices by children at an early age has contributed in making the children’s lifestyle characterized by laziness and sluggishness, and led to a rise in the rate of obesity, spread of diabetes, short sightedness, vitamin D deficiency, tooth decay and allergies. The State of Kuwait has provided hospitals, clinics, medical equipment and the necessary medicines, yet it has not addressed the root of the problem with respect to:

A – The absence of medical laws and provisions in relation to children’s foods, such as the high percentage of sugar, fat, coloring, and substances harmful to the health of the child, which resulted in a high increase in weight, obesity and noticeably the spread of diabetes.

B- Lack of a clear and effective preventive medical awareness strategy across the state to protect children from being infected by these diseases and control their spread.

C- The vast spread of restaurants, especially fast food restaurants in Kuwait and the ease of access to the child, with the absence of awareness and medical and nutritional culture of the parents, who allow the delivery of these food orders to their children at home day and night.

D- The absence of green spaces prepared for children to do sports, which take into consideration the hot weather conditions throughout the summer days in all the districts of Kuwait.

1. **The National Association of Familial Security has also noted**:

A. The prevalence of cigarette smoking among children and electronic hookah (shisha), especially in schools, with the absence of activation of the laws to deter selling cigarettes to children under the age of 18, and the lack of awareness campaigns in this regard to warn against the dangers of smoking at an early age.

B. The prevalence of drug abuse and psychotropic drugs has significantly increased among the children under the age of 18, and may even start with children at 12 and 13 of age. According to a statement by a specialist who treats cases of addiction, there is a % 40 increase in the number of clinical visits made by children below the age of 18 in the last five years, and the common drugs used by this age group are Crystal Ice (Shabo), Lyrica (medical drugs) and Chemical (whose common names include Spice, Powder, Joker).

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

1. Expanding the establishment of children's gardens and sports facilities in all the governorates of Kuwait.

2. Building an integrated health system that cares for the child so as to ensure a healthy physical and mental childhood, protect children from the diseases that can inflict on them in the long run, and enact laws for the companies and restaurants that deal with children's foods and meals.

3. Increasing the penalty for the sale or supply of cigarettes and tobacco to children under the age of 18 beyond the 50 KWDs fine that is currently in force.

4. The need to develop a strategy in which all efforts at the level of the State, civil society organizations and individuals shall be combined to confront the danger of the spread of drugs among young people.

5. Working on the establishment of government therapeutic clinics and open the door also to the private sector to build clinics to treat young people from the impact of drugs and psychotropic substances.

**Third: Educational Care**

**The National Association of Familial Security has noted:**

1. The decline of the education standard in the State of Kuwait occupying lower ranks in the ratings at the world level in addition to the poor learning outcomes despite the large budget allocated to education by the State.
2. There are private schools in the State of Kuwait with a variety of curricula that range between foreign, bilingual and private. Parents often complain about the excessive annual increase in the fees of foreign and bilingual schools; the fees of these schools have increased several times over the past years without the Ministry of Education interfering to control this increase, which obliges some parents to transfer their children to state schools and thus deprive them of an excellent educational opportunity.
3. The spread of cheating among students and the contribution of some teachers and some school administrations in this regard, has led to the deterioration of the learning outcomes in general, and also to a general feeling of frustration among the excellent students who become deprived of the opportunity to follow up their university studies or to obtain a scholarship that would be compatible with their GPAs that reflect their real excellence due to the competition of those students who obtained higher GPAs by cheating.
4. The issue of private tutoring has spread widely in the State of Kuwait to include primary school pupils, and it has become a special domestic education parallel to regular school education. Private tutoring often means either the lack of good teacher performance, lack of pupil activity, or insufficient attention and follow-up by the parents. As a result, the pupil’s life often turns into a morning and evening study, which prevents them of doing other life activities and developing their various abilities.
5. Article 3 (b) of the Child Act No. 21 of 2015 states: “Protection from any form of discrimination between children due to their place of birth, parents, sex, religion, race, disability or any other situation, and ensuring real equality between them to benefit from these rights”, but in practice there is discrimination in education, such as:

A) Limiting education in public schools to the children of both Kuwaiti men and women and some categories of expatriates, such as the children of foreign teachers in public schools. Lately, some stateless (Bidoun) children whose fathers or grandfathers were military personnel were given an exception to join public schools; however, these stateless (Bidoun) pupils were enrolled in remote schools far from their areas of residence.

B- Some stateless (Bidoun) children have been denied access to education because they could not obtain a valid card from the Central Bureau for the settlement of the status of illegal residents, as well as the inability of some stateless (Bidoun) children to pay school fees, which led some volunteers to launch public campaigns to raise funds and donations to pay the school fees for these students; in some cases, the stateless (Bidoun) pupils were expelled from their schools and were treated in a humiliating manner because they were unable to pay their school fees, despite the fact that there is a law in the Ministry of Education requiring schools not to prevent students from attending school until their fees were paid by their parents.

C- Children whose parents do not have a valid residence permit (Iqama) were denied access to education.

D- The high cost of private schools for the children of some low income residents forces them to drop school and stay at home, and this affects these children psychologically and deprives them of the opportunity of learning and building their future.

E- The decline in the learning standard of some private schools, which are enrolled mostly by children of low income families, due to the weak control by the Ministry of Education.

F- The non-payment of financial benefits to non-Kuwaiti children with disabilities adds a further burden on the shoulder of their families, which often have low-income, in addition to the lack of government sponsoring of their education even though the special needs schools have a high cost compared to regular schools.

1. The Ministry of Education did not offer a course on the children's rights for students in schools, which enhances the effective implementation of the Child's Act 2015 and its dissemination among the members of the community in terms of informing the parents about its content during the students’ study of this course, rather the ministry offered, according to its circulations, these courses about this law only to the school administrations.

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

1. The government shall review and promote its educational plans and programs to ensure the quality of education and to leverage the standard of learning outcomes.

2. Building special schools to foster the gifted and excellent children.

3. Developing curricula for teaching human rights and children's rights in particular for all educational stages.

4. Enabling every child in the State of Kuwait to obtain the right for education, including the stateless (Bidoun) children and the children of residents.

5. Introducing a course for some of the laws in force in the State of Kuwait to protect children and educate them about traffic and environment laws, for example, and the laws of transactions, cybercrimes, freedom of expression and other laws that would be commensurate with the age groups of the children in order to make them understand the importance of these laws and the need to respect them to ensure their safety and the safety of the community around them.

**Fourth: Working Child and Social Security**

With the enactment of the Child’s Act 2015, and in a later step, a free line (147) was provided to allow children to lodge complaints to the Child Protection Bureau in the Ministry of Health in cases of abuse or violence. However, the National Association of Familial Security has noted:

1. The child protection line number has not been published sufficiently, and its objectives and steps following a call have not been communicated among the members of the community in order to achieve the desired purpose of child protection, which would create a kind of deterrence to anyone who dares to abuse the children since witnessed abuse incidents shall be reported. However, the absence of a clear idea about the rules of procedure in case of witnessing incidents of abuse, and the lack of knowledge about the authority to be contacted in such cases: (whether to call the Child Protection Line, the Societal Police or any other authority!) may delay the opportunity of saving and protecting a child who is being abused in the home, on the street, in the school or anywhere else! This requires spreading awareness among the community about the appropriate measures to be taken in this regard. Several incidents of child abuse and battering committed by domestic workers in the streets or inside the vehicles have been monitored on social media online, but this was limited to filming and publishing with no action taken due to the lack of knowledge of which authority to report these incidents to in addition to the fear of some people of the consequences that may result from the act of reporting such incidents.

2. There is psychological, verbal and physical violence that children are exposed to within the family surroundings whether by parents, siblings, relatives or domestic workers, and such violence may also occur at school or elsewhere; 300 cases of violence against children were officially reported in 2016 according to a statement given by one official. However, according to some doctors or social workers who deal directly with children, cases of violence occurring within the family are often covered up and not disclosed; these familial examples of violence against children are not disclosed in order to maintain the entity of that family and keep the child within his family surroundings. All this happens as a result of the lack of awareness among the community members of the laws of Child Protection and their implementation in a clear and effective manner which shall deter anyone who dares to abuse children.

3. The work in the shelter center for the abused and affected children has not been activated by the caretakers of the shelter.

4. Some public benefit organizations have observed cases of child exploitation of children under 15 of age working and begging (the phenomenon of some stateless (Bidoun) children and some children of low-income families tend to vend in the streets to secure their needs and the needs of their families).

5. Children have the right to play, do sports, and enjoy entertainment in order to enhance their abilities and skills within a safe and secure environment, but the Association has noted the following:

A) According to the 2015 statistics, there are only nine parks in the State of Kuwait, which means that there are not enough green spaces and places that would cover all the residential areas of Kuwait for children to exercise their motor and recreational activities. It is worth noting that there is no park for persons with mental disability who find it difficult to mingle with the rest of their peers who have other disabilities.

B) Al-Sha’ab Park and the entertainment city were closed for maintenance without providing any alternatives.

C) Most places of entertainment are commercial places which are overpriced and not accessible for people with low and medium incomes who cannot afford to pay these prices.

D) There are three special clubs for girls to practice sport activities, which belong to the Public Authority for The Youth and Sports, namely the Girls' Club, Salwa Al-Sabah Club and Al-Oyoon Girls Club that cover the six governorates of Kuwait; however, these three clubs serve only the nearby areas and deprive the other girls of the opportunity to join them because of the far distance on the contrary of young men clubs and centers which have appropriate numbers in all the governorates of Kuwait.

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

1. Establishing a social observatory to monitor all phenomena, trends and social transformations, in order to assist in the development of plans and policies to remedy them, including monitoring of violence against children and developing appropriate solutions to address them.

2. Setting a clear and definite definition of the lawfully criminalized violence against children that would include physical, verbal, psychological and behavioral violence.

3. Setting a mechanism to detect cases of physical and psychological violence against children, juveniles and persons with disabilities, and activating it through an integrated system of detection, reporting and taking necessary action and rehabilitation.

4. Building shelters to accommodate the children abused by their families in each governorate to assist them to adapt and rehabilitate to reintegrate into the society. In case of keeping the abused child with his family, a regular review program should be conducted for the child to follow up on his condition and to ensure that he/she is not under pressure from the family.

5. Activating the law that prevents the employment of children under the age of fifteen.

6. Working to raise the awareness of all members of the society on the rights of the child through the media and social networking sites, holding workshops and seminars, and introducing it as a course taught in schools.

7. Clarifying the mechanism of reporting violations of child's rights and the procedures taken, and monitoring those violations. In this regard, it is necessary to unify the number of contact for reporting since there are two lines, namely the line of Child Protection Bureau (147) and the hotline of the Societal Police (94000435/9400463), which is confusing for the reporting person.

8. Providing the opportunity for civil society organizations and accredited specialists in these institutions to raise awareness and address cases of domestic violence through collaboration with government efforts and the really competent organizations.

9. Building kindergartens in all the districts of Kuwait as well as sports centers and swimming pools for girls in the six governorates of Kuwait.

**Fifth: Children of Kuwaiti Women Married to Non-Kuwaitis**

**The National Association of Familial Security has noted:**

1. The Kuwaiti Nationality Law grants the children of Kuwaiti women married to non-Kuwaiti spouses the nationality exceptionally by virtue of a decision by the Minister of the Interior, only in special cases (such as the death of the spouse and the irrevocable divorce), and this law leads to breaking-up the marriage bond between the Kuwaiti woman and her spouse so that the children can obtain the nationality. Although the law applies to certain cases, the government has not granted the nationality to this category, and these families have been waiting for citizenship for decades.
2. Despite depriving the children of Kuwaiti women of their right to obtain the nationality of their mothers, they are also deprived of their right to enjoy the benefits enjoyed by the children of Kuwaiti men; Kuwaiti women sponsor the residence permit of their children for a period of five years, which has to be renewed afterwards. After employment, the children of Kuwaiti women are required to transfer their residence permit to the employer in order to maintain their residence permit in Kuwait.
3. Kuwaiti women's children cannot be granted a scholarship to follow up their studies on equal footing with the children of Kuwaiti men.
4. Kuwaiti mothers cannot add their children to their passports.
5. The residence permit of the children of Kuwaiti women shall be considered null and void if they leave the country for more than six months unless they obtain a leave permit from the Ministry of Interior, which is only granted if they were students studying abroad.
6. Children of Kuwaiti women are not allowed to reside in the country after the death of their mothers, unless they have a job that would ensure their residence permit.
7. In 2014, the decree that ensures the mothers’ long-life sponsorship of their children was repealed.
8. Children of Kuwaiti women are not eligible for housing benefits on equal footing with the children of Kuwaiti men.

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

1. Amending the Kuwaiti Nationality Law to allow Kuwaiti women to grant their nationality to their children from their non-Kuwaiti husbands.

**Sixth: Stateless (Bidoun) Children**

Due to the suffering endured by the stateless (Bidoun) children in the State of Kuwait, the Association has devoted this section to present their case in details.

1. Stateless (Bidoun) children are unable to enroll in private schools; more than 227 cases were reported in September 2018 of stateless (Bidoun) children who were unable to join these schools because they were unable to pay the fees (although the charity fund pays part of these fees, yet parents cannot afford to pay the rest, especially with the annual increases in fees), or because of the expiration of their civil identity cards.
2. The Ministry of Education enroll stateless (Bidoun) children or grandchildren of the military personnel and employees of the Ministries of Defense and Interior in remote schools that are far away from their residential areas instead of allowing them to join schools located in the areas close to their homes.
3. In 2017, the Central Bureau issued an order not to allow the holders of expired cards to make any banking transactions, which lasted for less than half a year and negatively affected meeting the family needs in general and the children’s needs in particular who were unable to get what they needed because of the inability of their parents to withdraw money from their bank accounts.
4. Due to the difficult financial situation of the stateless (Bidoun) families, some of these families are forced to employ their children. Many cases have been reported of children under the age of 15 working in adverse weather conditions (e.g. scorching heat in the summer) to make ends meet.
5. The State does not allocate any financial provisions to the stateless (Bidoun) children to help them cover their needs; Zakat House and Charity Committees provide some assistance as charity.

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

* 1. The State shall ensure the education of all children living on its territory without discrimination of any kind, in accordance with the signed international treaties and conventions in this regard.
	2. Working on solving the root of the problem of the stateless (Bidoun) children and not to resort to temporary solutions that shall exacerbate the situation and delay putting an end to this issue, which has become a real dilemma in the Kuwaiti society that may lead to negative outcomes.
	3. Not to involve the stateless (Bidoun) children in political matters as education and other human rights are legitimate rights for all children.
	4. A birth certificate must be issued for each stateless (Bidoun) child with no further delay in accordance with article 24 of the ICCPR.

**Seventh: Children with disabilities**

The State of Kuwait has crowned its sponsorship of persons with disabilities by issuing laws and legislation that preserve the rights of this group of society; in 1996, Law No. 49 on regulating the rights of persons with disabilities was promulgated. The law consisted of 24 articles, including the Law for the Formation of the Higher Council for the Disabled. Since there were some failures in some articles of this law, it has been amended by Law 8/2010, which was published in the Official Gazette (Kuwait Today) in its issue No. 964 of 28 February 2010, which is the law currently in force. In another positive step, Friends of the Disabled Committee was formed in 2017. The Public Authority of the Disabled was kind to respond to Rawasi’s request with some statistics on persons with disabilities.

Although people with disabilities have been given their educational, financial, social and medical rights in 2010, they have been denied some of their human and civil rights to this day:

1. The 2010 law was fair to the Kuwaiti persons with disability materially and morally, yet it was unfair to the disabled persons exposed to violence as there is no way to protect the abused persons with disabilities and there is no safe way to talk about violence with them.
2. Despite the formation of the Friends of the Disabled Committee and the activation of its work in August 2017, there is no clear and specialized mechanism for monitoring persons with disabilities in their surroundings and protecting them against any violence they may face. Also, there has been no information or statement by the Committee about the benefit of its work to the persons with disabilities so far and until the writing of this report.
3. Some of those working with issues related to the persons with disabilities underwent harassment and pressure.
4. There is no financial assistance for the stateless (Bidoun) and expatriate children with disability, except what is provided by some charitable committees to satisfy their needs.
5. The families of children with disabilities, both stateless (Bidoun) and expatriates, suffer from the high cost of fees of the schools designated for the persons with disabilities, which some families cannot afford to pay and that would eventually deprive these children of the opportunity of learning and confine them to their homes.
6. The experience of the inclusion of children with disabilities in the community, public places and schools is still limited.

**In this context, the National Association of Familial Security (Rawasi) recommends the following:**

1. Setting a unified definition of the persons with disabilities in a manner consistent with the International Convention on Persons with Disabilities.
2. Demanding the proper inclusion of the persons with disabilities in the society in a way that would guarantee their rights and not abuse them psychologically or physically.
3. Amending Article (2) of the Law on Persons with Disabilities, so that the provisions of the law apply to non-Kuwaiti persons with disability, such as the stateless (Bidoun) and expatriate children, especially with regard to health and provision of medical supplies, as well as matters related to education.
4. Amending Article (3) so that a non-Kuwaiti child with disability of a Kuwaiti mother shall be treated equally to any Kuwaiti without the need to a decision by the Minister of the Interior, or such procedures shall be facilitated so that children of Kuwaiti mothers shall have the same rights as the Kuwaiti children with disability as stipulated by the law.
5. Amending Article (22) to read as “the authority is committed” instead of “the authority works” to educate the society through media outlets, programs, activities, conferences and lectures about the rights of persons with disabilities to preserve their humanity and dignity and to impose penalties in case of infringement of these rights in order to include this category properly in the community.
6. Finding scholastic solutions for the dually-disabled and not depriving them of education.
7. Reconsidering the aptitude tests of mental abilities in education in order to enroll them in the appropriate educational level.
8. Working to promote the level of education for the persons with disabilities to keep abreast of developments in this field and to pay attention to the level of care provided to them in schools.
9. Preparing the community and individuals in schools for the inclusion of some persons with disabilities in public schools by benefiting from the experiences of the countries and educational institutions of excellence in this field.
10. Supporting the talented persons with disabilities and sponsoring them to participate in conferences, competitions and clubs inside Kuwait and abroad, and provide them with all the means needed for achieving effective participation.
11. Providing suitable transportation means for the persons with disabilities and adapting them to suit their conditions.
12. Providing clubs, as well as entertainment centers suitable for all ages and all types of disabilities in all the governorates of Kuwait.
13. Implementing (the National Framework for Electronic Content Accessibility), which aims to eliminate the barriers that prevent the inclusion of the persons with disabilities in social, economic and educational fields by increasing the technical expertise and organizational capacity required to implement the overall design and use of the enabling factors in technology.
14. Issuing laws to protect the disabled from cases of fraud and swindling in order to prevent their financial exploitation or exploitation in committing crimes.
15. Encouraging and facilitating the promulgation of the associations concerned with the issues of persons with disabilities and providing them with the necessary support.