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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Initial reports of States parties due in 2006

KUWAIT* **

[13 April 2007]

Ministry of Social Affairs and Labour

Department for Women and Children

Initial report of the State of Kuwait on implementation of the two Optional Protocols to the Convention on the Rights of the Child (the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography) submitted to the Committee on the Rights of the Child under article 8 of the first mentioned Optional Protocol and article 12 (1) of the second. Both optional protocols provide: "Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol."

Introduction

The fact that the State of Kuwait signed the Convention on the Rights of the Child in 1991 and issued Amiral Decree No. 104/1991 on 25 December 1991 is the best evidence of the attention that it pays, at the highest levels, to children and of its determination to provide Kuwaiti children with appropriate care and welfare, especially if one considers that the State acceded to the Convention on the Rights of the Child in what for it were extraordinary circumstances. Even though it was the first few months after liberation from the yoke of Iraqi occupation and the State had many responsibilities and burdens to bear, including reconstruction, eliminating the traces of the brutal aggression, following up on the question of prisoners and missing persons and other serious issues at all levels (political, economic, social, etc.), Kuwait did not forget about children or use those circumstances as a pretext for avoiding accession to the Convention on the Rights of the Child. Indeed, it was one of the first States to accede to the Convention that was adopted by the General Assembly of the United Nations in 1989.

Kuwait's accession to the Optional Protocol on the involvement of children in armed conflict and to the Optional Protocol on the sale of children, child prostitution and child pornography, pursuant to Amiral Decree No. 78/2004 of 15 March 2004, is not surprising then, since it reflects concern for children, for the protection and promotion of their rights in all spheres and for the protection of children from all forms of exploitation (sexual, economic, psychological, social, etc.) and wars and conflicts so that they can exercise their right to a secure and stable existence.

Since the State of Kuwait has already submitted its initial report on the implementation of the Convention on the Rights of the Child, providing basic information about the State party such as its geographical location, surface area, population, age composition, economic and political systems, legislative, executive and judicial authorities and domestic laws, and since the two protocols can be regarded as special, insofar as they contain provisions on children's rights, child prostitution and child pornography, the present report, which is the first such report on the two above-mentioned protocols, will confine itself to identifying the domestic laws and legislation that regulate these two areas, comparing the applicable domestic laws with the obligations set out in the two protocols and explaining any shortcomings that may exist.

Entities which oversaw the drafting of the report

The report was drafted by the Department for Women and Children of the Ministry for Social Affairs and Labour, because the Higher Committee for Children and the Family has temporarily suspended its activities pending restructuring. The Department sought the assistance of institutions with a direct involvement interest in this question, namely, the Ministry of Defence, the Ministry of the

Interior and the Ministry's legal affairs department.

The Department also wrote to governmental and civic organizations working in areas connected to the protocols to ask them for information requested under the two protocols. These organizations include: the Subregional Centre for Children and Women, the Kuwaiti Society for the Advancement of Arab Children, the Drug Prevention Awareness Project (Giras), the Ministry of Planning, the Ministry of Health, the Family Counselling Office, the Ministry of Justice, the Public Authority for Youth and Sports, the Office of Social Development, the Martyr's Bureau, the National Committee for Prisoners and Missing Persons' Affairs, the Department of Family Care and the Ministry of Information.

Initial report of the State of Kuwait on the measures taken by Kuwait to implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, submitted to the Committee on the Rights of the Child established under article 8 (1) of the Optional Protocol, which provides: "Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment."

We shall consider hereunder the articles of the Protocol and the corresponding articles of the Constitution and Kuwaiti laws and legislation.

1. Articles 1 and 2 of the Optional Protocol on the involvement of children in armed conflict require "States parties to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities and that they are not compulsorily recruited into their armed forces."

This requirement is met in Kuwaiti laws and legislation which deal with this particular subject, accord great importance to children and their protection and prohibit their involvement in armed conflict in conformity with article 3 of the Army Act No. 32 of 1967, which stipulates that, in order to be accepted as an army officer, a candidate must:

1. Be a Kuwaiti national;
2. Have reached 21 years of age;
3. Be medically fit for military service; the Minister shall issue a decree establishing the conditions for fitness for military service.

Under article 40 of the same Act, concerning non-commissioned officers and men, a volunteer for military service must:

1. Be a Kuwaiti national;
2. Be over 18 and under 26 years of age, according to the Christian calendar;
3. Be medically fit for military service; the Minister shall issue a decree establishing the conditions for fitness for military service.

The Compulsory Reserve Military Service Act No. 102 of 1980, which regulates compulsory military service, does not deviate from this rule; it states: "Compulsory military service is a duty required of every Kuwaiti of over 18 and under 30 years of age. It is a national duty dictated by the requirements of national unity and maintenance of national sovereignty. Single women of over 18 and under 30 years of age may be called up for compulsory military service, pursuant to a decree, provided that their duties are compatible with their natural capacities." It should be noted that this Act was repealed in its entirety following the promulgation of Ministerial Decree No. 1518/2001, annulling Act No. 102/1980, because of difficulties and problems with its implementation, and temporarily exempting Kuwaitis from military service for a non-specified period of time.

2. Article 3 of the Optional Protocol requires States parties to raise the minimum age for the voluntary recruitment of persons into their armed services to over 18 years of age, to guarantee them special protection and to ensure that they are not compulsorily recruited into their armed forces. This matter is regulated by the relevant Kuwaiti laws. Articles 37 and 40 of Act No. 32 of 1967 stipulate that anyone who wishes to volunteer for service must be over 18 years of age. Article 37 provides that anyone who volunteers for service as a member of the police or as a non-commissioned officer in the national guard, must satisfy the following criteria:

- (a) He must be a Kuwaiti national;
- (b) He must be over 20 years old;
- (c) He must be medically fit for military service; the Minister shall issue a decree establishing the conditions for fitness for military service.

It follows from the foregoing, that paragraphs 2 and 3 of article 3 do not apply to the State of Kuwait, because the State does not allow anyone below 18 years of age to volunteer for military service and, consequently, the relevant safeguards do not obtain.

3. Article 4 of the Optional Protocol on the involvement of children in armed conflict provides that armed groups that are distinct from the armed forces of a State should not use children in hostilities and States should take feasible measures to prohibit such practices.

This issue does not apply to the State of Kuwait, where hostilities are exclusively the purview of the Ministry of Defence and the armed forces and there are no other armed forces in the State. Kuwait is a peaceful State that is governed by the rule of law. Moreover, there are no armed militias in Kuwait.

4. The three paragraphs of article 6 of the Optional Protocol invite each State Party to:

(a) Take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction;

(b) Make the principles and provisions of the present Protocol widely known;

(c) Ensure that persons recruited in hostilities are released.

With regard to article 6 (1) of the Protocol, article 9 of Act No. 5 of 1961, regulating legal relations and the jurisdiction of the courts of Kuwait, states that so long as the jurisdiction of the courts of Kuwait over legal relations has been established, these courts shall apply Kuwaiti law in proceedings before them.

In other words, this matter is regulated by Kuwaiti law, since decisions on these matters are taken by the courts.

With regard to article 6 (2) of the Optional Protocol, the principles and provisions of the Protocol have been disseminated widely. The Protocol was published in the Official Gazette and was also circulated among all relevant organizations with competence for these matters.

With regard to article 6 (3), concerning the release of persons recruited in hostilities, as already mentioned, no one below 18 years of age is recruited and the compulsory service decree has been suspended indefinitely.

5. Article 7 of the Optional Protocol on the involvement of children in armed conflict calls on States parties to take all measures for the rehabilitation and social reintegration of persons who are victims of acts contrary thereto. As stated above, Kuwait is a peaceful and friendly State and its 300 year-old history is free from any acts of hostility or repression. Kuwait is a State that has always championed peace and harmony, taking a clear stand against conflict and in favour of the maintenance of peace and security throughout the world, especially in the Arab Gulf region.

Even in the most difficult circumstances, during the Iraqi invasion of Kuwait, Kuwait never resorted to recruiting or using children in the liberation war. However, given the scale of the calamity and the fact that the very existence of the State and a people were at stake, citizens spontaneously rose up to defend their survival and the sovereignty and legitimacy of their State, taking up arms for the resistance without any prior planning or organization. As a consequence, many of them were taken prisoner, lost their lives or disappeared. The hardest thing for the Kuwaiti people to bear was the unlawful killing of citizens in front of their own relatives, especially children. Many children and adolescents witnessed their relatives and families being killed and tortured. The same things happened to older persons and wives. This all had a deep psychological and social impact on them, which lasted for years after the liberation. The State then made every endeavour to deal with these serious adverse psychological and social consequences, which were unfamiliar to society. Many psychological and social welfare centres were set up and experts were engaged to study the psychological, health and social effects of the catastrophic invasion, especially among children and adolescents. Schools and children's clubs were the main sources which researchers used to study the impact of this crime on children and humanity.

Research and advisory institutions and offices established after the liberation

1. The Office of Social Development

On 21 April 1992, Amiral Decree No. 36/1992 was issued, establishing the Office of Social Development as a body of the Amir's Office. The Decree stated that the purpose of the Office was to mobilize efforts and material and technical resources to address the psychological, social and educational effects of the brutal Iraqi aggression and to rehabilitate Kuwaitis so that they could regain their confidence and peace of mind and play their natural role in the development of Kuwaiti society and in reconstruction.

The ideas, work and organization of the Office of Social Development evolved so that it became a specialized body providing psychological advice in all schools and dealing with different problems in the psychological, social and educational domains. The Office conducts scientific research and studies in these areas and its operation includes public relations and communications activities, in addition to administrative work and advanced information systems, all in keeping with the Office's goals and mission.

Policy of the Office of Social Development on children

There are two main aspects of the Office's policy in terms of the importance accorded to Kuwaiti children. The first aspect is found in the declared strategy, while the second emerges from the "done" strategy.

A. Importance of children in the declared strategy of the Office of Social Development

The working strategy of the Office of Social Development clearly outlines the areas of the Office's work, namely: the individual, the family and society as a whole. Children are at the forefront of the Office's concerns. Other groups are young persons, women and older persons. Concern for children, then, is an explicit part of the Office's working strategy, as evidenced in the Office's work and service manual. It is enough to consult this manual to confirm that Kuwaiti children are the group that was worst affected by the Iraqi aggression. The work manual also contains a long list of the psychological, social and educational problems and their incidence among children, as identified through field studies. The manual also highlights the need to devote attention to the families of prisoners, missing persons and martyrs, including children. The working strategy shows that the counselling services which the Office provides include "children's counselling". These services are counselling programmes to diagnose cognitive, psychological and behavioural disorders that affect children, because of the trauma of the Iraqi aggression, and have an impact on their attitudes and behaviour in the home, at school and in the community. Children's counselling is designed to help these children to overcome their suffering and to assist their families in providing them with psychological, social and educational care. The same objective is repeated in the part of the working strategy of the Office of Social Development entitled "Counselling as a science and a profession". In general terms, the declared policy and strategy of the Office of Social Development accord great importance to Kuwaiti children, both in terms of the delivery of

appropriate counselling services and the observation and monitoring of children's psychological, social and educational problems through research and studies.

B. Importance of children in the “done” strategy of the Office of Social Department

The practices of the Office of Social Development, from its establishment in 1992 to the present time (March 2006), clearly show the importance that has been given to Kuwaiti children. The most important manifestations of this concern are outlined hereunder.

(a) Research and studies

The Office of Social Development has conducted tens of research projects and studies on the psychological, social and educational problems confronting Kuwaiti children. Some of this research was conducted independently and some was presented at conferences or talks. The following are some examples of the most important research and studies undertaken:

A field study on the effects of the trauma of invasion on children in Kuwait between 7 and 17 years old and on the family and society;

The psychological, social and educational effects of the brutal Iraqi aggression on children in the 6 to 15 age group;

Educational technology was used to treat children from affected families;

The vision behind efforts to deal with the effects of the Iraqi aggression on the behaviour of the rising generation;

The introduction to dealing effectively with children's reactions to the suffering caused by the brutal Iraqi aggression against the State of Kuwait;

Behavioural changes in Kuwaiti children caused by the brutal Iraqi occupation;

Childhood in danger faced with danger;

Methods of intervention to help children with post-traumatic shock;

Behavioural care for Kuwaiti children;

Impact of the Iraqi aggression on likelihood of child suicide;

Effect of the Gulf War on psychological equilibrium and self-esteem among nursery/school children in Kuwait;

Use of psychological support to treat children suffering from the anxiety of separation from the mother, because of the trauma of the Iraqi aggression;

Fears of verbal confrontation;

Effects of the trauma of the Iraqi aggression on Kuwaiti children;

Children of prisoners and martyrs and their counselling needs;

The psychology of children of martyrs and its relationship to some psychological and demographic variables.

(b) Conferences and talks

The Office of Social Development has organized scientific meetings to discuss children's psychological and social problems. In particular, we draw attention to the following:

The first international conference on the psychosocial and educational impact of the attack against the State of Kuwait (April 1993) - most of the conference research papers focused on children;

First discussion series: Post-liberation crises: the individual, the family and society (1993);

Third discussion series: Psychological, social and educational care for families of martyrs and missing persons (1993);

Fourth discussion series: Psychology of affected families (1993);

Tenth discussion series: Speech and hearing disorders: causes, diagnosis and treatment (1999);

Thirteenth discussion series: Child abuse (2004).

(c) Brainstorming sessions

First brainstorming session on child abuse (2005).

(d) Psychological counselling services

1. Specialized counselling services

The Office of Social Development provides specialized counselling services for children. These services are offered by a group of centres, including two which specialize in children's counselling. The first of these two centres is the Child Development Centre. The second is the Centre for Hearing and Speech Disorders. The services provided by the first centre consist of diagnosing children's problems and helping children to overcome them through counselling and psychotherapy or teaching parents how to deal with their children's problems properly or organizing counselling and training programmes for both parents and children. The second centre, the Centre for Hearing and Speech Disorders, diagnoses cases with a view to training and rehabilitating children so that they can interact normally with their environment, especially if they suffer from stammering, aphasia, letter substitution, a harelip and nasal speech. The centre also deals with some cases of cerebral palsy.

The centre has a laboratory that is equipped to analyse, diagnose and treat speech disorders. It also has rooms and equipment to treat these disorders. In addition, children receive necessary counselling from other centres (the Psychological Assessment Centre and the Vital Renutrition Centre), depending on individual requirements.

2. Counselling training

The Office of Social Development has run specialized training courses that are closely related to the role of parents vis-à-vis children. The subjects covered by these courses vary and include: being an effective father, good mothering, family interaction, etc. The courses aim, among other things, to familiarize parents with children's psychological and social problems; to teach parents methods of dealing with these problems and how to identify children's needs; and to explore the relationship between parents and children. Counselling training also includes specialized courses on counselling adolescents.

These courses are designed to guarantee the integrated and healthy development of children and adolescents, and they deal with key subjects such as:

How to deal with loss as experienced by children;

Adjusting the concepts of death and loss to children's and adolescents' understanding;

The psychology of grief among children and adolescents;

Children's psychological disorders;

Criteria for family effectiveness in dealing with children;

Dealing with marital problems that have an impact on children's upbringing and development;

Developing children's socialization skills;

Children's psychological traumas;

The depressive reaction in children.

These courses use a variety of training techniques and methods. Some of the courses were developed as a cooperative effort between the Office of Social Development and specialized foreign organizations.

In general terms, the Office of Social Development devotes attention to Kuwaiti children at the level of its work and performance goals and at the level of practice and implementation. Tens of research projects and studies have been done by the Office to monitor and identify children's psychological, social and educational problems. There are also specialized counselling services and counselling training programmes. This is all in keeping with the mission and goals of the Office of Social Development and the theoretical and practical dimensions of its new strategy.

3. The Martyr's Bureau

His Royal Highness, the late Sheikh Jabir al-Ahmad al-Jabir al-Sabah (May he rest in peace!), graciously promulgated Amiral Decree No. 91/38, on 19 June 1991, establishing the "Martyr's Bureau" for the purpose of realizing the concrete goals of honouring Kuwait's martyrs, commemorating their heroism and sacrifice in defence of the nation and its dignity, caring for their families and relatives in different areas of life and benefiting from a supreme value like martyrdom.

The Office has successfully proposed and implemented several projects, with the participation of numerous sectors of society in order to honour martyrs as a way of promoting the value of giving in life and the importance of giving for the prosperity of society.

The Martyr's Bureau also pays special attention to the children of martyrs, offering them a range of welfare services, as follows:

1. Social welfare

This naturally breaks down into three types:

Welfare services for fathers and mothers of martyrs;

Welfare services for widows of martyrs;

Welfare services for sons and daughters of martyrs.

In order to ensure that these services are successful, the Office has engaged several social workers and psychologists to provide

martyrs' families with care and essential services, interspersed with different training courses to help them and prepare them psychologically and socially to adapt to daily life. These courses include, for example, a skills development course, course on martyr's families and family society course and another one on problem solving.

2.Social welfare

This type of welfare is designed to assist the families of martyrs at school, through educational experts who provide students with the necessary help and assist them in solving the problems that they may encounter.

Educational experts are tasked with paying school and home visits and providing whatever assistance and advice may be required. As a result of educational care, many students excelled in their studies and were honoured at a special celebration, at which they had the honour of meeting His Royal Highness the late Sheikh Jabir al-Ahmad al-Jabir al-Sabah (May he rest in peace!) and they were given gifts and cash prizes.

This type of care also included a contribution by the Bureau to the enrolment of children of martyrs in Kuwait University and the Public Authority for Applied Education and Training, and to sending them to overseas universities to complete their studies.

3.Health care

This consists of full cooperation and coordination between the Bureau and all services offices of the Ministry of Health in order to guarantee the provision of appropriate health care within either the Bureau or elsewhere.

4.Housing

The Bureau works with public housing institutions to guarantee and satisfy many families' needs.

5.Legal assistance

Since its creation, the Bureau has been working to help the families of martyrs to preserve their rights vis-à-vis third parties, providing legal advice of different kinds to meet these families' needs.

6.Religious assistance

The Bureau accords special importance to religious assistance, because of its psychological and social impact on the lives of the relatives of martyrs.

7.Leisure

The Bureau organizes a range of recreational activities designated to create a suitable atmosphere and a pleasant environment in which to help the relatives of martyrs to come to terms with daily life. These activities are many and various and are tailored to all social groups. We should like to mention the following activities in particular:

An office for the fathers of martyrs;

A social club that offers a range of artistic, sports and cultural activities tailored to different age groups;

A spring camp;

The organization of visits and trips to leisure facilities, seaside resorts and science centres.

4.The Subregional Centre for Children and Mothers

The Subregional Centre for Children and Mothers was founded in 1996 on the basis of a comprehensive philosophy and broad mission, whereby activities are selected and applied gradually and objectively. The purpose is to satisfy the needs of the individual, the requirements of society and future goals, consistently and consciously developing innate skills, acquired experience and material capacities.

Among the main projects run by the Centre for Children and Mothers is the Kuwaiti Child Welfare Project, recognized for the outstanding educational services that it provided to the people of Kuwait during the occupation. The Centre cares for children at the pre-primary stage. It was created thanks to an initiative by Amir Talal bin Abd al-Aziz Al Sa'ud, President of the Arab Gulf Programme for United Nations Development Organizations, and it focused on the situation of Kuwaitis and their families abroad during the occupation. An allocation of \$1 million was approved for this project and Dr. Kafiyah Ramadan was commissioned to visit the Gulf and Arab States and prepare a mission report for the President of the Programme. After the report was submitted to His Royal Highness the Crown Prince, Prime Minister Sheikh Sa'd al-Abdullah al-Sabah (May God preserve him!), the Crown Prince expressed the Kuwaiti Government's willingness to provide whatever support this project required.

The following are some of the activities carried out by the Centre for Children and Mothers:

The opening of three nursery schools in Cairo, Riyadh and Bahrain and the delivery of preschool books through the Kuwaiti Educational Centre in Cairo. A total of 1,200 Kuwaiti children have enrolled in these schools;

Six hundred Kuwaiti children have enrolled in private nursery schools and their fees have been paid.

5.National Committee for Prisoners and Missing Persons' Affairs

The Committee was created in the context of the efforts made immediately after the liberation to deal with the consequences of the brutal Iraqi invasion of the State of Kuwait. The National Committee for Prisoners and Missing Persons' Affairs was established pursuant to Amiral Decree No. 133/92 of 16 Safir A.H. 1413, corresponding to 15 August 1992, to unite and organize efforts aimed at securing the return of prisoners and missing persons to their country and families. The following are some of the Committee's most important activities:

Securing the return of Kuwaiti prisoners and missing persons being held by the Iraqi regime;

Taking the necessary steps to guarantee the safety of these citizens and to ensure their protection, in coordination with the Ministry of Foreign Affairs and in cooperation with international institutions and organizations;

Making efforts to care for the families of these citizens.

Throughout the 14 years that followed Kuwait's liberation many endeavours were made to convince the former Iraqi regime to provide information about the whereabouts of these prisoners. Many sources testify to the failure of the former Iraqi regime to cooperate, however. Over 600 prisoners have never been released. After the fall of the former Iraqi regime, the search process acquired a different objective and it was possible to identify the locations of mass graves and to begin the sad process of digging them up to look for remains and identify bodies. At the time of writing, the identity of 215 of the dead had been established beyond a doubt (i.e. up until the beginning of 2005).

6. Kuwaiti Association for Advancement of Arab Children

The State of Kuwait took a prominent and clear role in the post-liberation period, focusing efforts on an educational project designed to research issues arising out of the aggression, and playing an active role in dealing with the psychological impact of the many traumas experienced by the people of Kuwait. The late Sheikh Abdallah Mubarak al-Sabah established the project for the Kuwaiti Association for the Advancement of Arab Children in 1992 in order to explore the impact of the war and the reaction of children to psychological trauma and to educate and raise awareness among the public through the different media.

The Association has played an important part in different studies and in monitoring, and disseminating information about, the psychological, scientific and educational impact of the aggression and the effects of violence and conflict on children; the sources for these studies were the Ministry of Education and the Ministry of Health. In addition, the Association undertakes a variety of activities, organizing a series of talks for parents on psychological crises caused by the war, their effect on the children of Kuwait and how the family and nursery school should deal with them. During the 1991/92 academic year a comprehensive plan was established concerning the educational and psychological condition of Kuwaiti children in the aftermath of the Iraqi invasion with many specialized training courses on children's issues and the war. Each training course was designed for 20 social workers and psychologists.

7. Articles 12 to 17 of the Optional Protocol on the involvement of children in armed conflict refer to the procedures for accession to, and ratification of, the Convention, the time limits for submission of reports, withdrawal from the Protocol and other procedural matters.
