

UN CRC	Ratification Date	Care-Related Concluding Observations
<p><b>CRC/C/KWT/CO/2</b></p> <p>Concluding observations on the second periodic report of Kuwait, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)</p>	<p><b>21 October 1991</b></p>	<p>29 October 2013</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx</a></p> <p><b>D. Civil rights and freedom (arts. 7, 8, 13–17, 19 and 37 (a) of the Convention)</b></p> <p><b>Birth registration/nationality</b></p> <p>35. The Committee notes with concern that, despite the establishment by decree of the Central System to Resolve Illegal Resident Status in November 2010 and Council of Ministers Decision No. 409 of 2011, a great proportion of bidoon children continue to be deprived of their right to be registered at birth and to acquire a nationality, which prevents them from having access to health-care services, public schools and any other type of social benefits and services. Furthermore, the Committee is particularly concerned that:</p> <p>(a) Although citizenship is automatically given to children of unknown parentage, children born to Kuwaiti mothers and non-Kuwaiti fathers do not inherit citizenship unless the mother is divorced or widowed, which leads many children to be stateless; and</p> <p>(b) Identity documents provided to children nationalized in accordance with article 3 of the Nationality Act clearly mention that these children are of unknown parentage, thus exposing them to stigmatization.</p> <p><b>36. In the light of its recommendation of 1998 (CRC/C/15/Add.96, para. 20) and those of other treaty bodies, the Committee urges the State party to abide by its obligation to ensure that all children within the State party’s jurisdiction have the right to be registered at birth and acquire a nationality, irrespective of the child’s or his or her parents’ or legal guardians’ sex, race, religion or ethnicity, social origin or status. The Committee urges the State party to take immediate action</b></p>

		<p><b>to:</b></p> <p><b>(a) Ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother’s nationality;</b></p> <p><b>(b) Ensure that identity documents no longer permit the identification of children as being of unknown parentage; and</b></p> <p><b>(c) Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.</b></p> <p><b>F. Family environment and alternative care (arts. 5, 18 (paras. 1–2), 9–11, 19–21, 25, 27 (para. 4) and 39 of the Convention)</b></p> <p><b>Family environment</b></p> <p>51. The Committee expresses concern that parental responsibilities are still not equally assigned, fathers being considered as the sole legal guardians of their children under the State party’s family laws. The Committee is also seriously concerned about the wide range of discrimination against women within the family, which has an obvious negative impact on their children. The Committee is particularly concerned that:</p> <p>(a) Repudiation of women and polygamy have not been prohibited despite the repeated recommendations made by treaty bodies;</p> <p>(b) In cases of divorce between a Muslim man and a non-Muslim woman, custody of the children is automatically given to the father;</p> <p>(c) In cases of divorce, Sunni mothers can keep their male children only until the age of 15 and their female children until they marry. Under Shia family law, mothers can keep their daughters only until</p>
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	<p>the age of 7 and their sons until the age of 2;</p> <ul style="list-style-type: none"><li>. (d) Women who remarry after a divorce lose custody of their children; and</li><li>. (e) Single mothers or teenage parents may be authorized to keep their children, but may also be required by the Ministry of Social Affairs and Labour to abandon them.</li></ul> <p><b>52. The Committee urges the State party to ensure that mothers and fathers equally share the legal responsibility for their children in accordance with article 18, paragraph 1, of the Convention. The Committee also urges the State party to:</b></p> <ul style="list-style-type: none"><li><b>(a) Repeal all provisions in family laws that discriminate against women and have a negative impact on their children, such as those that authorize polygamy and repudiation;</b></li><li><b>(b) Review its legislation relating to the custody of the child, with a view to ensuring that all decisions taken respect the best interests of the child in line with articles 3 and 12 of the Convention and that children can no longer be removed from their mother’s custody if she remarries or if she is non-Muslim; and</b></li><li><b>(c) Respect the right of children born out of wedlock to identity and to live with their biological parents and ensure that no couples or single women are required to abandon their children born out of wedlock but rather are provided with support to care for them.</b></li></ul> <p><b>Children deprived of a family environment</b></p> <p>53. The Committee is concerned that:</p> <ul style="list-style-type: none"><li>(a) Only children of dysfunctional families, up to the age of 10 for boys and 13 for girls, are provided with a place in a shelter in the system of welfare homes of the Department of Family Care within</li></ul>
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		<p>the Ministry of Social Affairs and Labour;</p> <p>(b) Children of known parentage abandoned by their parents are reportedly sent to live in hospitals for an undetermined period of time, where they are deprived of their rights and exposed to infections and diseases and where their financial needs are covered by hospital staff or visitors; and</p> <p>(c) Caregivers, social workers and qualified specialists are lacking in children’s homes and that these care institutions are not regularly assessed.</p> <p><b>54. In the light of the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:</b></p> <p><b>(a) Review its legislation and provide special protection and assistance for all children deprived of their family environment, in line with article 20 of the Convention;</b></p> <p><b>(b) Remove without delay all children placed in hospitals and provide them with family-like settings, such as foster families or small group settings in residential care;</b></p> <p><b>(c) Take concrete measures, and in particular recruit and properly train personnel, to meet the specific psychosocial and other needs of children without parental care; and</b></p> <p><b>(d) Undertake a full assessment of the quality of alternative care institutions.</b></p> <p style="text-align: center;"><b>Country Report</b></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=856&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=856&amp;Lang=en</a></p>
<b>OPSC to CRC</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>

	<b>26 August 2004</b>	
<b>OPAC to CRC</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
	<b>26 August 2004</b>	
<b>ICCPR</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
	<b>21 May 1996</b>	
<b>ICESCR</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
	<b>21 May 1996</b>	
<b>CEDAW</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	<b>2 September 1994</b>	
<b>CRPD</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
<b>UPR</b>	<b>Date of Consideration</b>	<b>Link to Page</b>
	<b>12 May 2010</b>	<a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/KWSession8.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/KWSession8.aspx</a>
<b>Hague Intercountry Adoption</b>	<b>Accession Date</b>	<b>Link to Country Profile</b>

**Acronyms and Abbreviations:**

CEDAW      Convention on the Elimination of All Forms of Discrimination against Women  
 CRC        Convention on the Rights of the Child/Committee on the Rights of the Child  
 CRPD      Convention on the Rights of Persons with Disabilities

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review