

Kuwait

National Child Protection Legislation

National Legislation

- Age of Child: **Under 18 years**

[Kuwait Child Act](#)

Art. 1

Child: Anyone who has not passed the age of eighteen years of a full calendar year.

- Age of Consent: **15 years old**

[Kuwait Penal Code](#)

Art. 187

Whoever copulates with a female without coercion, threat or trick, knowing that she is insane, an imbecile, under fifteen years of age, or lacking willpower for any other reason, or that she does not know the nature of the act to which she is subjected, or that she believes to be legitimate, shall be punished with life imprisonment.

If the offender is one of the victim's ancestors, or one of those responsible for her upbringing or care, or those who have authority over her, or if he is a servant of her, or of those who mentioned them, the penalty will be death.

- Age of Marriage: **15 for females, 17 for males**

[Kuwait Personal Status Law](#)

Art. 92

In cases occurring from the date of the implementation of this law when the denial of marriage is not heard, it is not heard if it is fixed in an official marriage document, or it has –

- been denied that the marriage is recognized in official papers;
- is excluded from the aforementioned whether the case is the cause of the claim of independent ratios, or ratios reached to another right, and the ruling in proportion to that ruling by marital relationship;
- the marital claim is not heard if the age of the wife is less than fifteen years or the age of the husband is seventeen years at the time of filing the lawsuit.

- Age of Criminal Responsibility: **7 years old**

[Kuwait Penal Code](#)

Art. 18

A person who has not attained the age of seven years at the time of the offense shall not be criminally liable.

- **Extraterritoriality**

[Kuwait Penal Code](#)

Art. 11

The provisions of this law shall apply to any person who commits a crime in the territory of Kuwait and its dependencies. It applies to any person who commits an act outside the territory of Kuwait that makes him an original actor or an accomplice in a crime that occurred wholly or partly in the territory of Kuwait.

Art. 12

The provisions of this law shall also apply to every Kuwaiti person who commits a crime outside Kuwait in accordance with the provisions of the law in force at the place where the act was committed, if he returns to Kuwait without being acquitted by the foreign courts of what was attributed to him.

Art. 13

In all cases, a criminal case shall not be brought against a perpetrator of a crime abroad if it is proved that the foreign courts have issued a final judgment against him and he has served his sentence.

- **Dual Criminality**

[Kuwait Penal Code](#)

Art. 84

If a person commits a number of crimes for one purpose, so that they are interrelated inextricably with each other, he shall not be sentenced to a sentence other than the most severe penalty.

If the same act constitutes multiple offenses, the crime whose penalty is more severe must be considered and this penalty must be imposed only. If a person commits a number of crimes in other than the two previous cases, the penalties imposed against him shall be multiple.

Art. 85

Any person who has previously been sentenced to a felony penalty and it is proven that he committed a felony or misdemeanor after that is considered a recidivist. The court may order the proceeds to exceed the maximum limit prescribed by law for the crime, provided that it does not exceed double this limit.

Art. 86

If the accused was previously sentenced of a misdemeanor for theft, fraud, breach of trust, or forgery, or attempted one of these crimes, and it was established that he committed within five years from the date of the aforementioned judgment, one of the previous crimes or attempted to commit any of the above crimes, the court may

sentence him to more than haad. The legally prescribed maximum, provided that this limit is not exceeded by more than half of it.

- **Mandatory reporting requirements**

[Law No. 21 of 2015 regarding Children's Rights](#)

Art. 26 – Protection of those subject to professional secrecy in child health care

Every person, including those subject to professional secrecy, is obligated to notify the Childhood Protection Centers by written letter if it appears that there is a threat to the child's health or physical integrity if that person is one of those who, by virtue of his profession, takes care of children and cares for them.

Art. 78

Childhood Protection Centers, in investigating the seriousness of a complaint and examining it to remove its causes will interview the child, his caretaker, his parents, or others, to investigate with them about the complaint. If his condition so requires, and in the event that the child is handed over to his guardian or caregiver, he undertakes not to expose him to danger. If the harm is repeated to the child, or the center is unable to handle the complaint, or the incident constitutes a crime, the center shall submit a report to the Juvenile Prosecution or recommend to the court to take the necessary action taking into account the confidentiality of the information and name of the reporting person. Anyone who knows that the child is at risk must provide him with whatever he can of urgent assistance to prevent the danger or remove him from it.

- **Statute of Limitations**

[Kuwait Penal Code](#)

Art. 3

Felonies are crimes punishable by death, life imprisonment or temporary imprisonment for a period exceeding three years.

Art. 4

The penal action in felonies shall be extinguished after ten years have passed from the date of the occurrence of the felony. The adjudicated penalty, if it was one of the penalties mentioned in the previous article, shall lapse with the lapse of twenty years from the time the judgment becomes final, except for the death penalty, which shall lapse with the lapse of thirty years.

Art. 5

Misdemeanors are crimes that are punishable by imprisonment for a term not exceeding three years and a fine, or by one of these two penalties.

Art. 6

The criminal lawsuit in misdemeanors shall be extinguished with the lapse of five years from the date of the crime.

The adjudicated penalty, if it is one of the penalties mentioned in the previous article, shall be forfeited with the lapse of ten years from the time the judgment becomes final.

- **Obligations of Educational Institutions**

[Kuwait's Constitution of 1962](#)

Art. 40

In conformity with the Law and within the limits of public order and morals, education for Kuwaitis is a right guaranteed by the State. In compliance with the law, education is compulsory and gratis in its first stages. The Law shall lay down the necessary plans to eradicate illiteracy. The State shall take special care of the physical, moral and intellectual development of youth.

[Law No. 21 of 2015 regarding Children's Rights](#)

Art. 40

Taking into account the provisions of Article (40) of the Constitution, education is a right for all children and they may not be deprived of it. Educational guardianship over the child rests with the custodian, whether the father, mother, guardian or trustee - in accordance with what is stipulated in Personal Status Law No. (51) of 1984. In the interests of the child, the Ministry of Education shall register the child in the educational stage appropriate to his age. As for children of unknown parentage, the Ministry of Social Affairs and Labor shall replace the person in charge of the educational mandate.

- **Prohibition to hold certain positions**

[Kuwait Penal Code](#)

Art. 72

Every sentence of a felony penalty issued against a person who holds a free profession regulated by law and requires obtaining a license to practice it, for a crime committed during the course of the profession or because of it and which includes a violation of the duties imposed by law or imposed by principles of the recognized profession, the judge is allowed to order the deprivation of the defendant practicing this profession for a period not exceeding ten years. If the sentence is imprisonment for more than seven years, the judge must rule to permanently ban the convicted person from practicing the profession.

- **Employment Law**

[Kuwait Labor Law](#)

Section Three – Termination of Work Contract and End of Service Benefit

Art. 41

Subject to the provisions of Article (37) of this Law:

- a- The employer may terminate the services of a worker without notice, compensation or benefit in the event where the worker has committed any of the following acts:
 - 1- If the Worker has committed a mistake that resulted in a large loss for the employer.
 - 2- If it was found that the worker obtained employment through cheating or fraud.
 - 3- If the worker divulged secrets related to the establishment which caused or would have caused real losses.
- b- The employer may dismiss the worker in any of the following events:
 - 1- If he has been found guilty of a crime that relates to honor, trust or morals.
 - 2- If he committed an act against public morals at the work site.
 - 3- If he assaulted one of his colleagues, his employer, or deputy during work or for a reason thereof.
 - 4- If he breached or failed to abide by any of the obligations imposed on him by the contract and the provisions of this Law.
 - 5- If he is found to have repeatedly violated the instructions of the employer.

In such events, the decision of dismissal shall not result in the deprivation of the worker of his end of service benefit.
- c- The employee who is dismissed for any of the reasons stated in this article shall have the right to object to such decision before the competent labor department in accordance with the procedure set forth in this Law. If it is established, by virtue of the final verdict, that the employer arbitrarily dismissed his worker, the latter shall be entitled to an end of service benefit and compensation for material and moral damages.

In all cases, the employer shall inform the Ministry about his decision to dismiss and the reasons for such decision and the Ministry shall inform the Manpower Restructuring Team.

Art. 43

In the event where the worker is imprisoned due to an accusation by the employer and placed in preventive detention or is detained in execution of a non-final court verdict, he shall be deemed suspended from work. However, the employer shall have no right to terminate his contract, unless he has been convicted with a final judgment.

In the event where the verdict acquitted him from the accusation of the employer, this latter shall pay the remuneration of the worker for the period of suspension and pay him a fair compensation that shall be assessed by the court.

- **Criminal Law – Defamation**

[Kuwait Penal Code](#)

Art. 209

Whoever ascribes to a person, in a public place or in the hearing or sight of a person other than the victim, an incident that requires the punishment of whomever is attributed to him or harms his reputation, he shall be punished with imprisonment for a period not exceeding two years and a fine not exceeding two thousand rupees, or with one of these two penalties.

Art. 210

Whoever, in a public place or in the hearing or sight of a person other than the victim, insults another person in a way that offends the honor or dignity of this person, without this insult including attributing a specific incident to him, shall be punished with imprisonment for a period not exceeding one year. A fine not exceeding one thousand rupees, or either of these two penalties.

Art. 211

Whoever sells or offers for sale materials, whatever they may be, bearing phrases, drawings, pictures, written or printed signs, or bearing recordings of sayings, the publication or performance of which is considered defamation or insult in accordance with the two previous articles, and he is aware of that, shall be punished with imprisonment for a period not exceeding six months and a fine. Not exceeding five hundred rupees or either of these two penalties.

- **Private Fostering**

No information found.

Sexual Offenses Against Children

[Kuwait Penal Code](#)

Art. 178

Anyone who unlawfully abducts a person, by campaigning to move from a place normally located elsewhere to a prison, shall be liable to imprisonment for a period not less than three years and not exceeding ten years. If the abduction is by force, threat or deception, the penalty shall be imprisonment for a term not less than Seven years and not more than fifteen years. If the victim is mentally disabled or insane or under 18 years of age, the penalty shall be life imprisonment. In all cases, a fine of not less than five thousand dinars shall be added to the penalty of imprisonment and not exceeding fifteen thousand dinars.

Art. 179

Anyone who abducts a person who is insane or disabled or under 18 years of age without a force, threat or deception is liable to imprisonment for a period of not less than seven years and not exceeding fifteen years. If the abduction is intended to kill the victim or cause harm to him or his position, Or a campaign to engage in prostitution or to extort extortion or jealousy, the penalty was life imprisonment But if the kidnap victim is one of the parents, and either of them proves that he is good, and that he has the right to custody of his son, then there is no punishment for him.

(Art. 179 (amended by Act 106 of 1994 Article 1)

Anyone who abducts a person who has been insane, disabled or under 21 years of age without force, threat or deception is liable to imprisonment for a term not exceeding ten years. If the abduction is intended to kill the victim, injure him or his position or defame him or induce him to engage in prostitution or blackmail any of him or others, the penalty was life imprisonment Whether the abductee of the victim is a nation and proved good intentions and believes that she has the right to custody of her child is not punished.

Art. 187

Anyone who engages in sexual intercourse with a female without coercion, threats, or deception, knowing that she is insane, disabled or under 15 years of age or lacking willpower for any other reason or that she does not know the nature of the act to which she is subjected, or that she believes it to be legitimate, shall be punished with life imprisonment. If the offender is a guardian of the victim or responsible for her upbringing or care, or those who have authority over her, or he was a servant with her or with those mentioned above, the penalty shall be the death penalty.

Art. 188

Anyone who engages in sexual intercourse with a female without coercion, threat, or deception, and she was 15 years and not yet 21 years of age, shall be punished with imprisonment for a period not exceeding fifteen years. If the offender is one of the victim's ancestors, or one of those responsible for her upbringing or care, or those who have authority over her, or was a servant with her or those mentioned above, the penalty shall be life imprisonment.

Art. 189

Anyone who has sexual intercourse with a female who is forbidden to him, and he is aware of this, without using coercion, threat or deception, and she is over the age of 21, shall be punished with imprisonment for a term not exceeding fifteen years. If the victim has not completed 21 years of age and has reached 15 years, the penalty shall be life imprisonment. The previous penalties shall be imposed on a person who was a guardian, trustee, or caretaker of a female or who is entrusted with her upbringing, care, or monitoring of her affairs, and her situation without coercion, threat, or deception.

Art. 191

Anyone who defiles a person by coercion, threat, or deception, shall be punished with imprisonment for a term not exceeding fifteen years.

If the offender was an ascendant of the victim, or one of those responsible for his upbringing or care, or one of those who has authority over him, or was a servant to him or those mentioned above, the penalty will be life imprisonment. The previous penalties shall be imposed if the victim has no will due to his youth, insanity, or insanity, or if he is unaware of the nature of the act, or believes in its legitimacy, even if the act was committed without coercion, threat, or deception.

Art. 192

Anyone who indecently assaults a boy or girl under the age of 21 years of age without using coercion, threats, or deception shall be liable to imprisonment for a term not exceeding ten years.

If the offender was one of the victim's ancestors, or those in charge of his upbringing or care, or those who have authority over him, or if he was a servant of those previously mentioned, the penalty shall be imprisonment for a period not exceeding fifteen years.

Art. 200

Any person who incites a male or female to commit acts of immorality and prostitution or who assists him in any way whatsoever, shall be liable to imprisonment for a term not exceeding one year and a fine not exceeding 1,000 rupees, or either of these penalties.

If the victim's age is less than 18 years, the penalty shall be imprisonment for a period not exceeding two years and a fine not exceeding two thousand rupees, or either of these penalties.

Art. 201

Any person who incites a male or female to commit debauchery and prostitution through coercion, threats, or deception shall be liable to imprisonment for a term not exceeding five years and a fine not exceeding 5,000 rupees, or either of these penalties.

If the victim's age is less than 18 years, the penalty shall be imprisonment for a term not exceeding seven years and a fine not exceeding 7,000 rupees, or either of these penalties.

[Kuwait Law No. 21 of 2015 regarding Children's Rights](#)

Art. 3

This law guarantees the child all basic rights, including:

- A- The right of the child to life, survival, and development in a cohesive and solidarity-based family, and to enjoy various preventive measures, and to protect him from all forms of violence, harm, or physical, moral, sexual, or abuse. Negligence or negligence, or other forms of abuse and exploitation.
- B- Protection from any kind of discrimination between children - because of place of birth, parents, sex, religion, race, disability or any other status - and ensuring effective equality between them in the use of all rights.

- C- The right of the child who is able to form his own opinions to obtain information that enables him to form and express these opinions, and to be heard in all matters related to him, including judicial and administrative procedures, as determined by the law.
- D- The child's guardian, custodian, nanny, child caregiver, or anyone of similar status has the right to extract all official and supporting documents related to the child and to carry out any administrative procedure before all official authorities on behalf of the child. The protection and interests of the child shall have priority in all decisions and procedures related to childhood, regardless of the authority issuing or implementing them.

Art. 77

Child protection centers shall be established in every governorate of the state affiliated with the Supreme Council for Family Affairs, and shall be specialized in the following:

- A- Receiving complaints about cases of child exposure to danger stipulated in Article (76), whether submitted by the child himself, his caregiver, one of his relatives, or one of the related professionals. Their work with the child.
- B- Taking all necessary measures to treat children exposed to any type of harm.
- C- Taking all necessary measures to treat the child's parents - those who caused harm to the child - so that they are rehabilitated and able to care for their child, and then the child and his family are able to integrate into society.
- D- Conducting the necessary studies and research into cases of a child being exposed to any type of harm, and evaluating his situation in various economic, health, educational, cultural and educational aspects with the aim of caring for the child and taking appropriate measures for that.
- E- Create a special register in which all cases of a child being harmed by any party are recorded. Everything recorded in this register is confidential and may not be disclosed or accessed except with the permission of the Public Prosecution, the General Department of Investigations, or the competent court, as the case may be.
- F- Developing plans and programs to protect children from harm and supervising their implementation in coordination with all relevant authorities regarding child protection.
- G- Providing a hotline to receive all complaints related to cases of children being exposed to danger.

Each of these centers must include psychological and social specialists, doctors, and legal experts. It must also form an administrative body that includes in its membership - in addition to these specialists - representatives from the Ministry of Health, Interior, Education, Social Affairs, and Labor, and representatives from public benefit associations

interested in children's issues, so that the child's condition can be periodically evaluated and followed up.

- **Female Genital Mutilation (FGM)/ Female Genital Circumcision**

No Information Found

- **Child/Early/Forced Marriage**

[Kuwait Penal Code](#)

Art. 182

If a kidnapper marries the one who he kidnapped in a legal marriage, with the permission of her guardian, and the guardian requests that the kidnapper not be punished, he shall not be sentenced to punishment.

[Personal Status Act of 1984](#)

Art. 24

A- The eligibility for marriage requires reason and puberty.

B- The judge may authorize the marriage of the insane or the disabled, male or female, if it is proven by a medical report that his marriage is beneficial in his recovery, and the consent of the other party is satisfied with his condition.