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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD
Protection of the rights of children and parents in
cases of removal or retention of children

Report by the Secretary-General

Addendum

SUMMARIES OF REPLIES RECEIVED FROM GOVERNMENTS UNDER
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1982/39 1/

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1/ The full text of the communications are available for consultation in the files of the United Nations Secretariat.

2/ The first two replies received from Kuwait were summarized in document E/CN.4/1983/32/Add.1

[Original: Arabic]

[2 February 1983]

KUWAIT

The Government states that Kuwaiti legislation contains numerous provisions under the Personal Status Act to protect the child's individuality, development and maintenance. Chapter II of the Constitution stipulates that the family is the foundation of society and is based on religion, morality and patriotism. The law shall safeguard the family and strengthen its bonds, thereby ensuring the protection of mothers and children.

Article 10 of the Constitution stipulates that: "The State shall provide for the welfare of the younger generation, protect it from exploitation, and preserve it from moral, physical and spiritual neglect."

In the event of a conflict between spouses, the customary practice followed by the courts in the State of Kuwait is to grant child custody to the mother, since she is regarded as the person most likely to show concern for the welfare of the child during the early stages of his life. The child remains in the custody of his mother, or whoever replaces her, until he comes of age as prescribed in the Islamic Shari'a.

The Nationality Act No. 15 of 1959 ensures extensive protection for mothers and children.