

Mission permanente de l'Etat du Koweït  
auprès de l'Office des Nations Unies  
Genève



الوفد الدائم لدولة الكويت  
لدى الأمم المتحدة  
جنيف

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**OHCHR REGISTRY**

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Recipients : ...S.P.A.....

Enclosure ..K. Hassine

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The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva presents its compliments the Office of the High Commissioner for Human Rights and joins herewith the Ministry of Social Affairs and Labor responses to the questionnaire "on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons".

The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



J.Gh/r.b



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## **Questionnaire**

Of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons

### **1. Name of the practice:**

- Legislation No:11/2007 concerning social care for the elderly and the explanatory memorandum, the regulations and duties of persons in charge of care.

### **2. Area Concerned:**

- Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)
- Violence and abuse
- Adequate standard of living (e.g. resource availability, housing, etc.)
- Independence and autonomy (e.g. legal guardianship, accessibility, etc.)
- Participation
- Social protection (e.g. social security, incl. pension)
- Education, training and lifelong learning
- Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)



**3. Type of practices:**

- Legal (Constitution, law, etc.)
- Policy/Programme/strategy/Action Plan on Ageing
- Institution
- Regulation
- Administrative practice
- Case law/jurisprudence
- Disaggregated statistical data by age/gender
- Training Programme
- Other (Please specify).....

**4. Level of implementation:**

- National
- Local (Sub-national, community, urban/rural area)
- Other (please specify).....

**5. Please describe the practice, including a) its purpose: b) when and how it was adopted: c) how long it has been used /implemented: and d)its geographic scope .**

- The legislation consists of ten articles set to ensure that the elderly remain with their families and relatives and receive the care, guidance and financial support, if required, by commissioning a family member to do his/her duties towards the elderly in such sequence: the Husband / Wife, then the sons then the grandsons, then the brothers/sisters. In case a member was unable to take care of the elderly, the member who comes



next in sequence becomes in charge of taking care of the elderly. In case there is no one to be in charge, the elderly, then, is admitted to retirement houses. A Social Researcher from the Elderly Care Department is employed to supervise the persons in charge of caring for said elderly to provide guidance, counseling and support.

**6. Which actors are involved in the development and implementation of such practice?** For instance, national and local authorities; private and public sector; academia; civil society organisations; international or regional organisations; older persons themselves, among others.

- The Supreme Advisory Committee is in charge of completing the application of Sharia Law. In addition, The Supreme Advisory committee is also in charge of the Legislation Project. The Legislation Project is studied and submitted to the National Assembly through the Elderly Care Department / Ministry of Social Affairs and Labor. The Elderly Care Department /Management Sector is in charge of implementation.

**7. Which rights of older persons does the practice promote and protect?**

- The practice ensures to provide care for the elderly while they remain with their families and relatives without resorting to



institutional care, unless there is no one available to provide health, psychological, social, legislative and financial care, if required.

**8. How does the practice promote or protect such rights?**

- Recognizing the family's role in caring for its members, especially the weak, the elderly are in need of the support of their families. This practice ensures that the elderly remain with their families and are not separated from them. Furthermore, the legislation commissions the family from first to fourth degree to be in charge of taking care of their elderly and assist them in doing so. As for the elderly who have no family members, they are admitted to retirement houses provided by the government.

**9. What groups of older persons (for instance, older women. Persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets and refugees among other groups) if any, particularly benefit from the practice?**

- Elderly of the age 65 who cannot take care of themselves and therefore cannot do what they were once able to do due to coming of age get to benefit from this legislation/ practice.



**10. How has the practice been assessed and monitored? Please provide specific information on the impact of the practice. With data indicators, among others, if any.**

- This legislation is relatively new (2007), however, it managed to minimize the number of cases admitted to the retirement houses.

**11. What lessons do you believe could be learnt from this practice? How could it be improved?**

- This practice confirms the State's commitment to Sharia Law, and devotion to protecting its citizens' rights especially the elderly by working on providing family care and providing retirement houses in case family members are unavailable to take care of their elderly.

**12. How could this practice be a model for other countries?**

- The State of Kuwait is one of the leading countries in the field of caring and attending to persons with disabilities It is also one of the pioneering countries in the legislative aspects. For the practice of Legislation 11/2007 is considered an example and a role model to look up to on the regional level and the Arab



countries in general. The State of Kuwait is one of the first Arab States to set a legislation that protects and ensures rights for the elderly.

- A copy of legislation No:11/2007 concerning social care for the elderly and the explanatory memorandum are included.