



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
12 November 2018
English
Original: Arabic
Arabic, English, French and
Spanish only

Committee on the Elimination of Racial Discrimination

Ninety-eighth session

23 April–10 May 2019

Article 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

**Concluding observations on the combined twenty-first to
twenty-fourth periodic reports of Kuwait**

Addendum

**Information received from Kuwait on follow-up to the concluding
observations***

[2 October 2018]

* The present document is being issued without formal editing.



Responses to the concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-fourth periodic reports issued at the ninety-third session of the Committee on the Elimination of Racial Discrimination

I. Response from the Ministry of Justice to paragraph 12 (b)

1. It should be noted that Act No. 67 of 2015 concerning the establishment of the National Human Rights Office was promulgated, that Decree No. 269 of 2018 on the appointment of the members of the Board of Directors of the National Human Rights Office was issued, and that the Office has begun to perform its functions.

II. Response from the Central Agency for Regularization of the Status of Illegal Residents to paragraph 28

2. It should be emphasized at the outset that the granting of nationality is a sovereign right of the State, and that cases are assessed in the light of the State's fundamental interests. They are subject to the terms and conditions laid down in the Kuwaiti Nationality Act No. 15/1959, as amended, which specifies cases that are eligible for the granting of nationality. The Central Agency identifies persons who meet the conditions for the acquisition of Kuwaiti nationality laid down in the Nationality Act, and proceeds in accordance with the road map adopted by the Council of Ministers. Nationality has been granted as a result to some 16,942 illegal residents.

3. With regard to illegal residents' access to official documents, we wish to confirm that the State of Kuwait has enacted a number of laws governing living conditions that can be invoked in connection with claims regarding rights or duties. Thus, every person born in the territory of Kuwait to a father and mother in a valid marital relationship under general and sharia law is entitled to a birth certificate, in accordance with the Act concerning the registration of births and deaths. Significant progress has been made in terms of the right of illegal residents to civil registration and the issuance of official documents. Thus, the term "non-Kuwaiti" has been included in the statement of nationality, entailing an increase in the issuance of official documents to the persons concerned, including birth certificates, death certificates, marriage and divorce contracts, driving licences, diverse power of attorney documents, testamentary bequests and inheritance documents (statistics provided in the annex).

4. With regard to education, article 13 of the Kuwaiti Constitution stipulates that education is a fundamental requirement for the progress of society and is guaranteed and promoted by the State. The Kuwaiti Government has therefore sought to integrate illegal residents into society and to provide them with facilities and benefits. For instance, the Council of Ministers established the Charitable Fund for Education, which provides financial assistance and support for educational costs at all levels of primary and secondary education. In addition, the children of Kuwaiti women and the children and grandchildren of military personnel are admitted free of charge to governmental schools on the same basis as Kuwaitis. Illegally resident children also have access to all educational services, and the Charitable Fund covers the costs of items such as school clothing, textbooks and supplies.

5. Moreover, their study is no longer limited to the primary and secondary school levels, since the Government also provides them with the opportunity to attend university. Illegally resident students are allocated places in various university faculties, in accordance with the approved procedures, rules and conditions for admission to the faculties. In the academic year 2012/2013, all highly proficient illegally resident students were admitted to the University of Kuwait, in accordance with instructions from His Highness the Amir. The State also launched the Knowledge Seekers' Welfare project, which reduces the burden of tuition fees for needy students.

6. With regard to the recommendation concerning accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, if the aim of the recommendation is to render the provisions of the two Conventions applicable to illegal residents, we wish to provide the following clarifications:

Many international human rights organizations persistently confuse two separate categories, that of stateless persons and that of persons who are illegally resident. There is a great difference between them in conceptual terms. Stateless persons, according to the 1954 Convention relating to the Status of Stateless Persons, are persons who are not recognized as nationals under any State's legislation. This is not the case for illegal residents who entered Kuwait illegally and concealed documents indicating their original nationality in order to settle down in Kuwait, to benefit from its services and to acquire its nationality. Accordingly, the concept of stateless persons, as defined in the Convention, is not applicable to them, and the fact that the State of Kuwait has not acceded to the two Conventions has no impact on their situation. In light of the foregoing, the legal status of the two categories of persons is different. While the presence of an illegal resident breaches the Kuwaiti Residence of Foreigners Act No. 17/1959 and the person concerned is required to rectify the situation, stateless persons are not required to do so, since they have no specific nationality. Furthermore, searches of the records of diverse State authorities have revealed the nationalities of some of the persons concerned. During the period since the Iraqi invasion, some 91,000 people have changed their status by disclosing their nationality or returning to their country of origin. Accordingly, they cannot be considered stateless.
