

# **Report on the Human Rights Watch Report and Response to its Questions and Inquiries**

**(Translation by Human Rights Watch)**

In reference to the letter received by our embassy in Washington addressed to the Prime Minister, His Highness Mr. Nasser Muhammed al-Ahmed al-Sabah, may God preserve him, from the Director of the Middle East and North Africa division of Human Rights Watch on May 9, 2011:

The letter contained many questions and inquiries about Kuwait's efforts to address the issue of the Bidun, part of a comprehensive investigation of the issue carried out by the organization.

In the following report we will explore all of the actions taken by the state of Kuwait to resolve the status of illegal residents and the extent to which they further human rights.

## **The status of the state of Kuwait in international human rights organizations and agreements its has acceded to**

The government of Kuwait spares no effort to strengthen, protect, and respect human rights in accordance with the United Nations' charter, the Universal Declaration of Human Rights, international agreements to which Kuwait is a party, and international humanitarian law. The state of Kuwait is at the forefront of countries complying with human rights on the national and international levels, as clearly evidenced by provisions in the Kuwaiti constitution of 1962 that affirm all human rights principles found in both Islamic and international laws. The state of Kuwait established the National Committee for International Humanitarian Law under the Ministry of Justice pursuant to Ministerial Decree 244/2006. This committee is mandated to monitor all issues of relevance to this law. It acts as an advisory body to government decision makers on all issues pertaining to the application of the principles of binding international humanitarian law. The committee also cooperates with the relevant authorities in order to promote awareness of these issues among citizens.

The government of Kuwait also formed the Supreme Committee on Human Rights, pursuant to Ministerial Decree 104/2008. It is headed by the Minister of Justice and its membership includes state bodies concerned with human rights. The Supreme Committee offers opinion and advice to state decision makers in all affairs related to human rights, reviews regulations and laws and proposes amendments, raises awareness of human rights through various media and works to prepare suitable cadres [for this], and gives opinions on international human rights conventions. The Supreme Committee maintains three specialized subcommittees: the Local Follow-up Committee, the International Communications Committee, and the Committee for the Establishment of Human Rights Principles.

In addition, it is worth mentioning the Parliamentary Committee for the Defense of Human Rights, which certainly affirms the Kuwaiti government's concern for human rights. The greatest proof of the earnestness and diligence with which the Kuwaiti government works in the sphere of human rights is its recent acceptance into the UN Human Rights Council, the highest organization on the international level. Such an achievement confirms the state of Kuwait's earnest efforts in the sphere of human rights.

### **Establishment of the Problem of Illegal Residents and Efforts to Resolve It**

The problem of illegal residents in Kuwait, which is the official term for that group known as "the Bidun" or "persons of unknown citizenship," is a multifaceted problem that was created in marginal and changing circumstances and was exacerbated in arbitrary ways to become the fundamental, most dangerous factor for the country's identity and being – present and future. The state of Kuwait has always taken into account the humanitarian aspect of illegal residents, keeping in mind that this class only left their homelands in search of a livelihood. However, their increasing numbers, rapid growth, and the appearance of large numbers of them living in the country in violation of standing laws has resulted in problems that the government must mitigate and solve, harming neither any individual of this group, nor the stability and security of the country, nor the social fabric of Kuwait and the Kuwaiti people.

The state of Kuwait has affirmed that the solution to this problem is part of its comprehensive vision to resolve various other problems and issues related to state sovereignty, security, and stability.

Illegal residents came to Kuwait recently from all directions and surrounding nations seeking to earn a livelihood, given the available political, economic, and security stability. They then began to avidly seek Kuwaiti citizenship. Those who were residents for generations were granted citizenship and their cases have been considered.

An essential aspect of this problem is the common misconception among this group that concealing one's original nationality is the best and easiest way to obtain citizenship and enjoy the many privileges of a registered legal resident of Kuwait. It is also widely thought that showing a passport or disclosing one's true citizenship will result in the loss of benefits and a denial of one's claim to Kuwait citizenship. As a result, many cling to their illegal status and endure suffering with the hope of becoming Kuwaiti citizens, disregarding the fact that citizenship is regulated by law and the constitution, and governed by conditions, rules, foundations, and the dictates of national interest on the security, economic, social, and cultural fronts.

Aiming to resolve the difficult circumstances of illegal residents and take the necessary executive and practical steps in this regard, the state of Kuwait has issued many laws that seek to find appropriate solutions to this problem, while considering all dimensions and consequences on the humanitarian, religious, social, security, cultural, economic, national, and moral levels in the present and future. These measures began with a Cabinet decree in 1985, which formed a committee chaired by the Deputy Prime Minister and Foreign Minister at the time, His Majesty the Prince, may God preserve him, and whose members included a group of senior statesmen. The committee was tasked with examining the problem

of illegal residents and possible solutions, and subsequently providing their perceptions and suggestions on the matter.

In the same period, the Public Authority for Civil Information was charged with collecting the data and documents of illegal residents, as part of its project to register the country's population for the issuance of civil ID cards. The agency was also tasked with the study and analysis of this group's data and documents and coordinating with the competent authorities in order to make the necessary conclusions.

After the country was liberated from the of the oppressive Iraqi invasion of 1991, the Cabinet issued a decree reconstituting the committee tasked with addressing this problem under the chairmanship of His Excellency the Minister of State for Cabinet Affairs.

Decree 221/93, issued on October 19, 1993, established the Central Committee to Resolve the Status of Illegal Residents, which concluded its work on March 26, 1996. On the same date, Royal Decree 58/1996 was issued establishing the Executive Committee for Illegal Residents' Affairs, chaired by His Excellency the Interior Minister at that time. This committee counted all those who claimed to be illegal residents, opened files for them, and exchanged information about their status with all state ministries and institutions.

Despite these important achievements realized by the Kuwaiti government, the government rightly considered it necessary to improve the way in which the problem of illegal residents was being addressed. Thus Cabinet Decree 906, issued on October 26, 2009, tasked the Supreme Council for Planning and Development to study the conditions of illegal residents and propose practical recommendations and suggestions sufficient to resolve the issue decisively and fundamentally. In its first meeting, the Supreme Council created a committee to research the status of illegal residents. It submitted a report on the resolution of the problem in a technical and professional way. The report was then adopted by the Supreme Council for Planning and Development and the Cabinet. These efforts culminated in the issuance of Royal Decree 467/2010 on November 9, 2010, establishing the Central System to Resolve Illegal Residents' Status, which granted benefits and civil, social, and humanitarian facilities to illegal residents who are registered with the Central System pursuant to Decree 409/2011, whereby this class came to enjoy the following benefits:

1. Free treatment for illegal residents through the Charitable Fund for the Health Care of Needy Residents of Kuwait.
2. Free education for the children of illegal residents through the Charitable Fund for the Education of Needy Children of Kuwait.
3. Issuance of birth certificates for the children of illegal residents that list nationality as "non-Kuwaiti."
4. Issuance of death certificates for illegal residents that list nationality as "non-Kuwaiti."
5. Issuance of marriage contracts for illegal residents that list nationality as "non-Kuwaiti."
6. Issuance of divorce certificates for illegal residents that list nationality as "non-Kuwaiti."

7. Issuance of driver's licenses for illegal residents that list nationality as "non-Kuwaiti."
8. Access for disabled illegal residents to services provided by the Supreme Council for the Disabled in accordance with existing conditions. At the same time, this group was and continues to benefit from a set of social, administrative, educational and medical facilities before the issuance of Cabinet Decree 409/2011. They benefit from the services offered by the Ministry of Social Affairs and Labor, access to job opportunities in the public and private sectors, and services offered by the Ministry of Health in government hospitals like those offered to nationals.
9. The right to obtain any kind of authorization from the Department of Authentication.
10. The opportunity for appointment in the government and private sectors was opened to illegal residents according to the need for work.
11. Availability of a provision card for eligible illegal residents.

This initiative was lauded by the Cabinet, which welcomed it as a way to complement and strengthen existing efforts to extend many benefits, services, and humanitarian, social, and civil privileges to this class, which affirms that this step falls within the framework of the humanitarian and civilized treatment that the state of Kuwait seeks to further in its dealings with all those who live in its territory. It also reflects the high values of Kuwaiti society, which are rooted in generosity, bounty, and charitable work, and have had an impact all over the world.

**In fact, illegal residents enjoyed these aforementioned benefits before the establishment of the Central System and before the issuance of Cabinet Decree 409/2011, insofar as illegal residents did and continue to enjoy the following rights:**

1. The benefit of medical and educational services through the two charitable funds established by Cabinet Decree 855 in meeting no. 2003/2/29 convened on September 7, 2003.
2. The right to civil documentation through access to official documents, including birth certificates, marriage contracts, divorce certificates, and death certificates.
3. The right to housing welfare and social insurance is upheld solely for Kuwaitis. Nevertheless, the state offers low-cost accommodation in humanitarian cases. They also benefit from the rights affirmed in the social insurance law in appreciation of their efforts in the military service.
4. The right of litigation and free expression of opinion in all media and business transactions.
5. The state pays all monies owed to those who have ended their service in various state institutions without delay.
6. The benefit of shelter services in social welfare institutions.
7. Those who change their illegal status in the country are granted residency without legal liability to themselves and their family members, and they are exempt from the law on foreign residents.
8. The right to attain a driver's license based on Cabinet Decree 1729/2005, concerning the conditions for the bestowal of driver's licenses as stipulated in Article 85 of the implementing regulations of the traffic law issued by Ministerial Decree 81/76, which exempts certain groups from meeting the conditions to exercise their right, among them illegal residents.

9. The right to work in public and private sectors is guaranteed for this class. The labor law for the private sector contains no relevant provisions. Many of this class work in government and private hospitals, as university professors, or as military personnel in the Ministries of Interior and Defense.
10. Disabled individuals in this class enjoy the rights guaranteed by Article 2 of the disabled rights law.

Given the foregoing, the questions posed in the Human Rights Watch report will be answered in light of the most recent measures taken by the Kuwaiti government and relevant statistics, laws, edicts, and ministerial decrees.

### **Firstly: Questions about Residency, Citizenship, and the Processing of Claims to Kuwaiti Citizenship**

The issue of Kuwaiti citizenship and naturalization is regulated by the Kuwaiti citizenship law (Law 15/59) and its amendments. Its articles elaborate the cases in which Kuwaiti citizenship may be granted and in each case according to the legal status of the case.

#### **1. How many cases of stateless individuals claiming Kuwaiti citizenship are currently registered with the Kuwaiti authorities?**

As of April 2011, approximately 108,000 applications for Kuwaiti citizenship by illegal residents were pending.

#### **2. What is the number of illegal residents who lack security cards or have been denied a renewal of the card?**

There is no such thing as a “security card.” Rather, it is a review card issued to every person registered with the Central System that contains his personal data and case file number.

Approximately 12,000 illegal residents have not opened files with the Central System to Resolve Illegal Residents’ Status and thus they have not been issued a review card. The consideration of applications for review cards has been postponed until they register with the Central System.

#### **3. How many applications for citizenship has the government considered every year, during the last five years?**

There is no definitive number of applications for Kuwaiti citizenship that the government considers every year since the number varies from one year to the next pursuant to the law issued annually by the National Assembly that sets the number of persons who may receive Kuwaiti citizenships, in accordance with Article 5 Paragraph 3 of the citizenship law.

#### **4. Does the government have a plan to complete processing of the pending citizenship claims? Is there a timeline for this process?**

In Decree 467/2010 on the establishment of the Central System to Resolve Illegal Residents' Status, the Kuwaiti government set a period of five years within which the Central System must resolve the status of this group, by considering all pending claims for Kuwaiti citizenship. This study will take time in order to adequately examine their case from all sides. More significant is the impact of granting Kuwaiti citizenship to this class on the composition of the population, and the economic, educational, and health cost, for the government not only grants citizenship but all the privileges of nationality. The government, in its examination of citizenship claims, considers a set of fixed principles and foundations, first and foremost its keen desire to provide a dignified life to this class despite their illegal presence.

At the same time, the resolution of citizenship claims is not arbitrary, but based on core principles, first and foremost the supreme interest of the country. As such, security and criminal records must be examined in every case. Thus the five-year period considers all these aspects, which require a sufficient period of time to cover. Ultimately, the subject of naturalization under the Kuwait citizenship law is a sovereign matter that brooks no criticism, on which the Kuwaiti authorities act in accordance with their supreme interests.

**5. On what basis does the government determine the true nationalities of this class?**

Under Article 2 of the decree establishing the Central System, this agency may take all executive measures to resolve the status of this class. In turn, the agency is in constant, active contact with all government bodies, agencies, public institutions, and competent security bodies, which provide the Central System with the data and information it needs, derived from these bodies' records and official files. These files indicate the true nationality of the person claiming to belong to this class.

**6. Do individuals of this class have a chance to review the evidence provided for the determination of their true nationality?**

Individuals of this class view the proof and evidence on the basis of which their true origins and nationalities are determined. They have the right to contest it in the ways upheld by the Kuwaiti confirmation law, although since these documents are official records they cannot only be contested on the grounds of forgery.

Many members of this class have sought recourse with Kuwaiti courts to contest these documents on the grounds that they do not carry the nationality that the official authorities have determined. Many court rulings have been issued rejecting these claims, indicating that the authorities' actions are subject to judicial oversight.

**Secondly: Questions Regarding the Protection of the Right to Civil Documentation**

**1. How many birth, marriage, and death certificates were issued to illegal residents in Kuwait over the past five years?**

The granting of official documents, such as birth, marriage, and death certificates, is regulated by specific laws. Any resident of Kuwait may obtain such documents after fulfilling the applicable

conditions. The state of Kuwait is very eager to grant these documents to persons residing in its territory in accordance with the applicable laws. In addition, the state has issued cabinet decrees under which the Central System operates that facilitate the issuance of such documents.

The numbers of birth, death, and marriage certificates issued in the past five years are as follows:

Number of birth certificates: 3,608 birth certificates were issued and received, while 12,471 certificates were not received due to the concerned party's refusal to complete the procedures for obtaining a birth certificate by stating their original nationality. This indicates the Ministry of Health's commitment to producing birth certificates in accordance with the law. Since the issuance of Cabinet Decree 409/2011, the number of birth certificates issued has increased. As of the end of May 2011, approximately 2,500 birth certificates had been issued.

Number of death certificates: 1,637 death certificates were issued in the past five years.

Number of marriage certificates: 5,539 were issued and received, keeping in mind that since the issuance of Cabinet Decree 409/2011 and the approval of the use of "non-Kuwaiti" on them, the number of marriage certificates issued and received has increased. From March to May 2011, 1,244 marriage certificates were issued.

Since the issuance of the Cabinet Decree 409/2011 enabling the Central System to offer services to illegal residents and use the term "non-Kuwaiti" in the statement of nationality, the number of birth, death, and marriage certificates issued by the competent bodies has increased.

## **2. Under what circumstances does the government deny individuals their right to civil documentation?**

The Kuwaiti government does not deny individuals of this class their right to official civil documents. These documents are issued without delay by the competent authorities after the required identifying documents and information are supplied. The Central System, based on investigations and research, supplies the Ministry of Health (in the case of birth and death certificates) and the Ministry of Justice (in the case of marriage and divorce certificates) with **an indication of the citizenship of the concerned parties**. This information is recorded in the official documents being requested. The statement of citizenship is essential on these documents and it must be supplied before they are issued. However, realistically, some individuals of this class refrain from collecting their documents as they object to the statement of citizenship found in them. The reality of the matter is that the denial comes from this class, not from the Kuwaiti government. The reason for this refusal is often attributable to the misconception that establishing a nationality will obstruct or prevent the acquisition of Kuwaiti citizenship.

After the issuance of Cabinet Decree 409/2011 granting benefits and facilities to illegal residents, the term "non-Kuwaiti" was adopted to replace the statement of a specific nationality in the following documents: birth, death, marriage, and divorce certificates and drivers' licenses. As a result, the number of civil documents that have been received by this class has increased.

### **3. What formal criteria are applied to judge applications?**

Birth and death certificates are issued based on Law 36/1969 on the regulation of birth and death registration. Certificates of marriage and divorce are subject to the Kuwaiti personal status law and Ministerial Decree 142/2002 on the reconstitution of the administration, decrees, and general administrative rules regulating labor. They are issued and authenticated by the Department of Legal Authentication within the Ministry of Justice.

### **4. Does the Kuwaiti government require individuals to sign papers renouncing their claims to Kuwaiti citizenship as a condition of receiving identity documents?**

The Kuwaiti government, and specifically the official bodies that issue civil documents, do not exercise any type of pressure on the members of this class in return for their civil papers. As mentioned before, this right is guaranteed under Kuwaiti laws and regulations. At the same time, the allegation that any form of pressure is brought to bear on this class in return for their documents is not only a clear accusation of malfeasance, but is also an indictment of employees in the official bodies that issue these documents, and this is unacceptable.

In addition, Cabinet Decree 409/2011 affirmed the right of individuals in this class to a set of benefits and rights, among which are the issuance of birth, death, marriage, and divorce certificates, and the issuance of authentication for wills and bequests.

Lastly, the Kuwaiti citizenship law and its amendments elaborate the conditions for the granting of citizenship. Thus, there is no need for extralegal methods, for the law is the final arbiter.

### **5. What criteria does the government use when issuing security cards? Can you provide us with a copy of any pertinent legal decrees or edicts?**

Firstly, the term used in your report—"security card"—is not accurate. The proper official term is "review card." Under Decree 482/1996, amended by Decree 49/2010, a card is issued to every person over the age of five who has a file with the Central System to Resolve Illegal Residents' Status. The review card contains a personal photo, place of residence, civil number, file number, date of birth, date of its issuance, and an expiration date. There are two types:

The first type: Its duration is two years and it is issued to those registered in the 1965 census or those who have proof of long-term residence in the country from that year or prior to it.

The second type: Its duration is one year and is issued to the remaining groups who are not registered in the 1965 census and do not have proof of long-term residence from that year or prior to it.

There is nothing that prevents you from viewing any official document pertaining to this class, for the principle of the state of Kuwait in this matter is transparency, in order to arrive at final solutions to resolve this problem.

### **6. What are the rights and responsibilities conferred by a review card?**

The review card verifies that the person is registered in state records with the Central System as an illegal resident. In addition, it establishes that its bearer has a set of rights, benefits, and facilities that were enumerated in Cabinet Decree 409/2011.

As for the responsibilities that fall to the bearer, they are the duty of individuals of this class to alter their illegal status in the country by legalizing their residency.

The Central System reserves the right to revoke these cards if the status is altered or in case of death, although those who alter their status continue to enjoy the rights and benefits upheld for this class.

**7. What criteria does the government use when issuing passports to the Bidun? Does the government have an official policy on who may receive Article 17 passports, and for what purposes?**

Passports are granted to illegal residents according to Article 17 of the passport law for the purpose of performing religious rituals such the greater or lesser pilgrimages, for cases that require treatment abroad, for study, and for other humanitarian purposes in accordance with specific rules.

**Thirdly: Questions regarding the protection of the right to education, work, and health**

**1. Does the government maintain guarantees for primary education to all children in Kuwait?**

The right to education is guaranteed under Article 13 of the Kuwaiti constitution, which states: "Education is a cornerstone for the advancement of society. The state guarantees and protects it." Article 40 of the constitution makes education a right for Kuwaitis, as does Article 1 of Law 11/1965 on compulsory education, which states, "Education is compulsory and free for all Kuwaiti children, male and female, from the beginning of primary school until the end of middle school." However, the Kuwaiti government appreciates the importance of education in society and so works **to guarantee the right of education for all individuals residing in its territory whether they are citizens, non-Kuwaitis, or illegal residents**. Consequently, the government established the Charitable Fund for the Education of the Needy and supported it with the necessary funds to achieve its goal. This fund benefits thousands of students at all levels of study.

**2. How many children received funding from the Kuwaiti Educational Fund for Needy Children over the past five years?**

A total of 20,096 children have received funding from the Kuwaiti Educational Fund for Needy Children over the past five years.

**3. How many children who are illegal residents received funding from the Kuwaiti Educational Fund?**

A total of 12,000 children who are illegal residents received funding from the Kuwaiti Educational Fund in the 2010-11 academic year.

**4. How many legally resident foreign nationals received funding from the Kuwaiti Educational Fund?**

A total of 8,000 legally resident foreign nationals received funding from the Kuwaiti Educational Fund in the 2010-11 academic year.

**5. How many children not registered with any government body received funding from the Kuwaiti Educational Fund?**

Pursuant to Decree 409/2011, it was agreed with the Ministry of Education (Private Education Department) to accept all children of illegal residents who carry valid review cards or health insurance cards for those who do not have review cards because they are not registered with the Central System.

**6. Under what laws or authorities did the government establish the Educational Fund, and what is its budget and mandate?**

The creation of the Charitable Fund for the Education of Needy Children in Kuwait was established pursuant to Cabinet Decree 855, issued in meeting no. 2003/2/29 held on September 7, 2003. The fund is under the supervision of the General Secretariat of Endowments, the Ministry of Education, and the Central System to Resolve Illegal Residents' Status.

**As for the budget of the fund, the following bodies contribute to funding:**

1. Annual allocations for this purpose from endowment (*awqaf*) revenue and the Zakat House.
2. Donations and contributions from institutions and individuals.
3. In-kind and material contributions from private institutions working in the fields of education and health.
4. Annual support from the state.

**The budget for the fund for fiscal year 2010-11 was approximately 6 million Kuwaiti dinars.**

**The mandate of the fund is as follows:**

The fund provides for the educational welfare of the children of the needy in accordance with conditions, rules, and criteria that achieve the objectives for which it was established. It covers the cost of education for these families, assuming tuition fees in private Arabic schools and providing social stability for the family to avoid needy students' turn to negative behavior. The fund possesses the following competencies to achieve its goals:

- Verifying the fulfillment of the necessary conditions by applicants, which include verifying that the applicant receives no other aid or support from official bodies or charitable institutions. It also verifies the veracity of the information provided by the applicant and their provision of the necessary documents.
- Supervising the fund, and approving its plans and executive programs.

- Accepting donations and contributions from private institutions and individuals, as well as in-kind and material contributions from institutions working in the field of education.
- Approving the project's rules and regulations.
- Approving the budget and overseeing the provision of resources.
- Choosing a director and deputy director for the fund.
- Paying tuition fees to educational institutions.
- Re-evaluating every case eligible for aid after one year of practical experience, in order to avoid negative aspects and respond to changes and new developments.
- The fund bears the costs of teachers in adult education and literacy centers, and exempts them from financial insurance.

**7. What is the amount of annual funding received by every child eligible for aid under the Educational Fund?**

The annual funding received by every child eligible for aid under the fund differs depending on educational level (primary, middle, and secondary education).

**8. What requirements must a Bidun student fulfill to be eligible for registration at Kuwait University? At private universities?**

The Supreme Council of Universities designates a number of seats annually to outstanding students from the class of illegal residents. In order to be admitted into university, they must submit their matriculation certificates, their examination grades and overall grade, and their birth certificates, and complete university application forms.

At present, the Central System is coordinating with Kuwait University to establish an appropriate mechanism for the acceptance of illegal residents in various university faculties in accordance with the rules and conditions of the existing acceptance policy at Kuwait University.

According to the basic rules of acceptance and transfer at Kuwait University, the university board specifies a number of seats each year for the children of Kuwaiti female nationals from this class who meet the admission requirements and have obtained a high school diploma with a score of 80 percent in science and 85 percent in language arts. The outstanding students are placed in university faculties in accordance with the approved acceptance quotas for each faculty. These students compete for acceptance to all university faculties. Moreover, there is nothing that prevents students from this class from enrolling in any program at the Faculty of Higher Studies.

Regarding private universities, there is no legal barrier to their enrollment, in accordance with the system used at these universities and after meeting all fixed tuition costs.

**9. What legal documentation must a Bidun person have in order to apply for a public-sector job? A private-sector job? What laws and regulations determine this?**

There is nothing that prevents illegal residents from working for government bodies save compliance with the legal means specified in the civil service law. Although the civil service law requires identification documents for job applicants, including a diploma, birth certificate, and a letter from the Central System to Resolve Illegal Residents' Status stating that there are no legal or criminal barriers to employment, the Kuwaiti government facilitates employment for this class. The government has taken several measures to facilitate employment for this group under temporary contracts. Currently, some government agencies employ them.

Regarding employment in the private sector, this class has the right to work in private institutions and companies according to the regulations and rules operative in the sector. The Kuwaiti government does not prohibit this, and the private-sector employment law contains no prohibitions in this regard.

Currently, the Central System is coordinating with the Ministry of Social Affairs and Labor to put in place an appropriate mechanism for the employment of this class in the private sector.

**10. Are Bidun persons who lack government-issued identification denied treatment in public and private hospitals? What about in emergency circumstances?**

There is nothing that prevents the treatment of illegal residents in any government or private hospital. They are treated for free in government hospitals (x-rays, lab tests, medication, surgery). Emergency cases and purely humanitarian cases are dealt with on a case-by-case basis.

**11. What health care costs does the government-administered health insurance program cover?**

The state provides for health care through the Charitable Fund for Health Care for the Needy in Kuwait. In addition, the cost of health insurance for illegal residents was reduced from 50 Kuwaiti dinars to 5 Kuwaiti dinars, and then was made free for illegal residents. Through cooperation between the Zakat House and the Ministry of Health, health insurance cards have been issued for needy families with the Zakat House. From September 2003 through December 31, 2009, over 39,000 illegal residents have benefited from this service. The total cost during this period was 1,172,719 dinars. In addition, military personnel with the army and police are treated in military hospitals and police health centers, while the children of Kuwaiti women are treated in government hospitals.

**12. Who is eligible for insurance under this program?**

Pursuant to Cabinet Decree 409/2011, which grants illegal residents a set of benefits, facilities, and humanitarian, social, and civil services, the services offered by the Charitable Fund for Treatment cover all children of this class, and not only for the needy among them. In cooperation with the Ministry of Health, all children of this class receive health services, whether the individual bears a review card or a health insurance card.

**13. What costs, or percentage of costs, are not covered under the program?**

The program covers all health-care costs, including x-rays, surgery, lab tests, and medication. However, the program is careful to ascertain that there is no overlap in aid and that no person is collecting aid from various bodies.

#### **14. What government programs exist to help indigent patients?**

The Charitable Fund for the Health Care of the Needy in Kuwait, which sponsors treatment for all indigent persons who are unable to bear to cost of medical treatment, and the Patients Helping Fund.

#### **Fourthly: Questions about Proposed Reforms**

- 1. The Kuwaiti government announced that it would be providing illegal residents with a set of 11 humanitarian and civil benefits, including the right to civil documentation, and greater rights in the areas of health, education, and employment. Has the Kuwaiti government passed any new laws or decrees that give the promised rights legal effect, and if so, may we obtain a copy?**

Royal Decree 467/2010, issued on November 9, 2010, created the Central System to Resolve Illegal Residents' Status, which granted civil, social, and humanitarian rights to illegal residents registered with the Central System within the framework of previous Cabinet and other decrees on aid, services, and benefits offered to this class, which include the following:

1. Free treatment for illegal residents through the Charitable Fund for Health Care for Needy Residents of Kuwait.
2. Free education for the children of illegal residents through the Charitable Fund for the Education of Needy Children in Kuwait.
3. The issuance of birth certificates for the children of illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
4. The issuance of death certificates for illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
5. The issuance of marriage contracts for illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
6. The issuance of divorce certificates for illegal citizens that includes the term "non-Kuwaiti" in the slot for citizenship.
7. The issuance of driver's licenses that includes the term "non-Kuwaiti" in the slot for citizenship.
8. Disabled illegal residents have access to the services offered by the Supreme Council for the Disabled in accordance with existing conditions.
9. Eligibility to obtain all types of authorizations from the Department of Authentication.
10. Enabling the employment of illegal residents in the government and private sectors according to the need for work.
11. The granting of provision cards to eligible illegal residents.

This initiative was lauded by the Cabinet, which welcomed it as a way to complement and strengthen existing efforts to extend many benefits, services, and humanitarian, social, and civil facilities to this class, and it issued Decree 409/2011 approving the initiative.

The Kuwaiti government drafted a work plan based on the efforts of the Supreme Council for Planning and Development. The plan will be implemented in the sphere of the proposed solutions to resolve the status of illegal residents. Illegal residents were divided into three groups that are dealt with according to their legal status: individuals who may be considered for naturalization, individuals who are granted legal residence in the country, or individuals who are required to change their status in the country.

**2. What are the new governmental procedures for obtaining civil documentation?**

All illegal residents have the right to obtain of civil documentation in accordance with the initiative of the Central System, approved by Cabinet Decree 409/2011 adopting the initiative.

The term “non-Kuwaiti” was approved for use in the documents of this class following coordination with the Central System and in compliance with existing legal authentication, procedures, and regulations.

**3. What measures has the government taken to ensure the right of this class to education, health, and employment?**

Regarding education, the Ministry of Education, starting from the beginning of the academic year 2011-12, will cover the cost of education for all children of this group, including the cost of textbooks. This pertains to those who carry valid cards issued by the Central System or health insurance cards for those who do not have review cards. This will be carried out through the Charitable Fund for Education. It should be noted that children of this class were never denied their right to education in the territory of Kuwait.

Regarding health, in addition to the Charitable Fund for Health Care, there has been a development in the area of disabled rights. Services will be offered to this class, specifically to the children of Kuwaiti women. Other persons will be referred to the Patients Helping Fund or to Zakat House for health care. This is in addition to the issuance of health insurance cards to members of this class who do not have review cards.

**4. Will government schools accept students from this class?**

Illegally resident students are permitted to enroll in government schools at all levels (children of military personnel and the children of a Kuwaiti mother). The rest of this class benefit from this service in private schools with government funding within the framework of the Charitable Fund for Education.

**5. Would this class be allowed to apply for, and hold, employment in the public and private sectors?**

Illegal residents are currently working in the government sector under temporary contracts pursuant to decrees issued by the Civil Service Council in accordance with needs and specializations required. Illegal residents work in the private sector, and there is nothing that prevents them from doing so.

Pursuant to Cabinet Decree 409/2011, efforts were coordinated with Civil Service Council to devise an appropriate mechanism to receive employment applications from illegal residents according to the needs of government bodies. In coordination with the Ministry of Social Affairs and Labor, efforts have been made to regulate employment for this class in the private sector.

**6. Has the right to free treatment come into effect for individuals of this class?**

The right to free treatment is guaranteed to all individuals of this class through the Charitable Fund for Treatment. This is affirmed in Cabinet Decree 409/2011 approving the initiative of the Central System and abolishing examination fees.

**7. What measures will be taken to address the situation of individuals of this class who are not registered with the System or those whose files have been closed?**

Regarding those whose files were closed after their illegal status was amended, the Kuwaiti government is working to facilitate their acquisition of legal residence in the country without legal liability for them or their families. In addition, they and members of their families continue to enjoy the rights and privileges they received in the past. No person of this category will be denied benefits resulting from the modification of his status.

Regarding those not registered with the Central System, they are required to amend their status in the country to become legal residents, at which point they may take advantage of the facilities offered by the state to this class, specifically facilities and benefits in the fields of education and health.

A committee will be formed to examine the registration of those illegal residents who are not registered with the Central System, and each case will be considered individually.

In conclusion, the issue of illegal residents is not solely a Kuwaiti issue, but is a global issue faced by many states that enjoy political, economic, and social stability, as members of this class seek to benefit from privileges and take up residence in these countries. Every state makes an effort to resolve this problem in a way compatible with its supreme interests and the preservation of this group's dignity. The government of Kuwait has visions and plans for the future, and the Central System is designing and taking action to implement them. The state of Kuwait has taken bold steps to deal with this class and address this problem by mapping out a clear path to resolve the status of illegal residents.