



General Assembly

Distr.: General
2 July 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda items 3 and 6

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Universal periodic review

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2020]

* Issued as received, in the language(s) of submission only.



* 2 0 0 8 8 5 8 *



Migrant Workers Rights Violations in Kuwait

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 44th Session of the United Nations (UN) Human Rights Council (HRC) to raise concerns over the human rights violations inflicted upon migrant workers in Kuwait and the concerning conditions these expatriates have to deal with. Migrant workers in Kuwait are particularly vulnerable to human rights violations inflicted by the Kuwaiti government. Despite some legislative changes made by the Kuwaiti government such as implementing a minimum wage for domestic workers, the state has done very little to effectively combat human rights abuses committed on its population of migrant workers that constitutes such a big and important part of the entire population and the labor market.¹

The prevalent conditions for migrant workers and the *kafala* sponsorship system

Migrant workers in the Gulf Cooperation Council (GCC) states such as Kuwait are grotesquely exploited as forced laborers. Being lured into the country on false promises, foreign workers often find themselves working as domestic or construction workers under extreme working conditions such as working long days without breaks and wages and having to live in horrifying living conditions.² Due to the fact that their passports and cellphones are often taken from them, there is no way for victims to flee the situation. Even if they try to escape, they are an easy target for traffickers.³ Many migrant workers are practically enslaved. Particularly vulnerable to human trafficking and sexual and physical abuse are women coming to work in Kuwait as domestic workers.⁴

One major cause for these conditions is the *kafala* sponsorship, which stipulates that unskilled laborers are required to have a sponsor in the country they are seeking to work in.⁵ This creates and sustains the opportunities for a variety of abusive and degrading labor practices such as debt bondages and human and sex trafficking. Thus, laws that are designed to protect migrant workers are rendered void. The *kafala* system is still intact, and the Kuwaiti government is refusing to reform it. The abuse is so severe that many countries, such as Indonesia, Ghana and Uganda have banned citizens from obtaining work visas for Kuwait.⁶ Yet, these bans have not prevented the influx of migrant workers to Kuwait and thus the exploitation of expatriates has not halted. It becomes obvious that the sole protection under law is not enough to eradicate the problems migrant workers face in Kuwait.

Cases of Human Rights Violations on Migrant Workers

In 2014, the Filipina national domestic worker Lourdes Hingco Abejuela died from the severity of wounds she had suffered after her employer's pet lion attacked her.⁷ In 2018, the body of Joanna Demafelis, a 28-year-old Filipina national domestic worker, was found in the apartment of her employers.⁸ Forensic evidence determined that she had been tortured before being strangled to death and that she had died more than a year before her body was found.⁹ Demafelis' death sparked a diplomatic crisis between the Philippines and Kuwait, resulting in a temporary ban put on nationals working in Kuwait.¹⁰ In order to not lose its immense

¹ <https://www.adhrb.org/2016/07/kuwait-implements-minimum-wage-domestic-workers/>

² https://www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

³ <https://www.adhrb.org/2016/07/kuwait-implements-minimum-wage-domestic-workers/>

⁴ https://www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

⁵ Ibid.

⁶ <https://www.adhrb.org/2016/07/kuwait-implements-minimum-wage-domestic-workers/>

⁷ <https://gulfnews.com/world/gulf/kuwait/kuwaiti-lion-owner-sued-for-death-of-maid-1.1429496>

⁸ <https://www.arabianbusiness.com/culture-society/390608-arrests-made-in-kuwait-murder-of-filipina-maid>

⁹ Ibid.

¹⁰ <https://www.forbes.com/sites/richardheydarian/2018/05/07/duterte-vs-kuwait-is-it-time-for-filipino-overseas-workers-to-come-home/#609222e93459>

Filipino workforce, the ban was lifted after the Kuwaiti government passed a legislation in 2018 which required employers, amongst others, to allow Filipino migrant workers the right to possess their own passport, the right to a 12-hour day with a one-hour break and one day off per week. However, in 2019, yet another body of Filipina national domestic worker Constancia Layo Dayag was found in a freezer with a cucumber stuffed in her genitals.¹¹

The situation of migrant workers amidst the global coronavirus pandemic

Across the Gulf states, migrant workers account for the highest proportions of COVID-19 infections and in Kuwait, the official figures suggest that nearly all cases have been among foreigners.¹² The most vulnerable are the low wage workers. Living in densely populated labor camps in often unsanitary conditions, recommended measures such as social distancing, staying at home and frequent washing of hands becomes practically impossible.¹³ In these conditions, COVID-19 can spread more easily. Furthermore, the closure of businesses in the Persian Gulf region and travel restrictions have hit low-income migrant workers particularly hard as incomes and remittances decline sharply, which means a loss of a crucial financial support for many vulnerable households.¹⁴ Taking into account these conditions, migrant workers in Kuwait are prone to suffer from severe consequences inflicted by the global pandemic.

International Advocacy

The situation of migrant workers in Kuwait during the current coronavirus pandemic has caught the attention of many human rights organizations. On April 10, a coalition of 16 NGOs and trade unions, including Human Rights Watch, Amnesty International and Migrant-Rights.org, published a letter addressed to the Kuwaiti minister of social affairs and labor.¹⁵ In this letter, they urge the Kuwaiti government to ensure that migrant workers receive adequate protection from COVID-19 by taking actions that protect migrant worker health and public health generally. These actions shall include the provision of an equal “access to adequate housing facilities, including facility to isolate themselves if necessary, as well as adequate water, food and sanitation” to all workers, the distribution of protective equipment “with adequate health and safety requirements including those specific to COVID-19” and a monitoring of employers so that they “do not use the situation as a cover for introducing abusive practices such as unfair deductions or non-payment of wages or unfair dismissal”.¹⁶

Conclusion and Recommendations

Migrant workers are extremely important to the country’s economy, but without the abolition of the *kafala* system, these workers will remain vulnerable to severe human rights violations due to concerning working and living conditions. In order to improve the situation for expatriates, AHDRB calls on the Kuwaiti government to:

- Abolition of the *kafala* sponsorship system.
- Develop and implement legislation that criminalizes employers’ physical abuse of migrant workers and withholding of wages.

¹¹ <https://www.mirror.co.uk/news/world-news/maid-bludgeoned-death-taken-hospital-16216487.amp>

¹² <https://www.migrant-rights.org/2020/04/domestic-workers-bearing-the-brunt-of-invisibility-isolation-and-inequality/>

¹³ <https://www.theguardian.com/world/2020/apr/19/migrant-workers-bear-brunt-of-coronavirus-pandemic-in-gulf>

¹⁴ <https://www.dw.com/en/coronavirus-deepens-risks-for-migrant-workers-in-the-gulf/a-53297391>

¹⁵ https://www.hrw.org/sites/default/files/supporting_resources/jointletter_kuwaitigov_migrantworkers_covidprotections_eng.pdf

¹⁶ Ibid.

- Establish expedient procedures for migrant complaints.
 - Establish and enforce inspections of migrant's living accommodations to ensure decent and sanitary living environments, including domestic workers' accommodations in private homes.
 - Generate and implement legislation providing maximum working hours and shifts and ensure that employers will provide overtime pay for additional hours.
 - Coordinate with relevant police and security forces to ensure these labor laws are properly enforced.
-