







Quarterly Monitoring Report On the Status of Migrant Workers in State of Kuwait

Introduction to the report:

The Kuwait Society for Human Rights is carrying out an activity targeting immigrant workers in Kuwait, or what is locally called "Migrant Workers". This activity is implemented in partnership with the US-Middle East Partnership Initiative, as a kind of joint cooperation in raising awareness and educating migrant workers in Kuwait about their rights guaranteed by law. In addition, providing them with legal, psychological and social support.

The project works on providing legal advice and psychological, social and legal support to workers in the private sector who are subject to the Kuwaiti Labor Law No. 6 of 2010, or workers in the domestic sector who are subject to Domestic Labor Law No. 68 of 2015. Whereas workers in the two sectors can call the hotline number **22215150** and obtain the project services in Arabic, English, Filipino, Hindi and Urdu, or access to the electronic platform www.togetherkw.org and benefit from its services through the same languages in addition to Sri Lankan and Ethiopian, services through which the Society aspires to continue its civil activity in bearing its responsibility in order to create a culture and legal awareness of migrant workers in Kuwait.

This report tends to be one of the activities of the project, as it deals with the reality of work in Kuwait and it is specialized in monitoring the negative and positive legal and administrative variables that happen within the field of work, reading the dimensions of those variables on migrant workers and its impact on Kuwaiti society, the vision of a new Kuwait State 2035, the country's foreign policy, and its obligations towards the human rights issue.

This report monitors the events of the third quarter of the current year 2021: "July, August and September" and it is issued according to the following:

- ➤ Complaints received by the Kuwait Society for Human Rights through the electronic platform of 'Together' campaign and the hotline that receives workers' complaints and inquiries in Arabic, Hindi, English, Filipino and Urdu.
- ➤ Administrative decisions issued during the reporting period.
- ➤ Communicate and coordinate with relevant government agencies to obtain the latest statistics and indicators related to labor issues.
- ➤ The most prominent issues in media sites, electronic newspapers and social media

First: The interventions led by the Society

Numbers and achievements:

During the reporting period, the Kuwait Society for Human Rights led a number of interventions to protect the rights of migrant workers in Kuwait which are as follows:

 Raising workers' awareness of their rights stated in Kuwait Labor Law No. 6 of 2010, Domestic Labor Law No. 68 of 2015 and the administrative decisions regulating the labor market via the hotline and 'Together' electronic platform

Table No. (1) Indicates the number of calls received via the hotline and providing legal advice as per language.

		Electronic				
Total	Arabic	English	Hindi	Filipino	Urdu	Platform
999	183	243	145	296	50	82

2. Providing psychological and social support.

Table No. (2) Indicates the number of cases of psychological and social support as per the nationality and gender

		Gender					
Total	Philippines	African nationalities	India	Sri Lanka	Bhutan	Males	Females
71	58	7	3	2	1	20	51

3. Pleading for a number of lawsuits and settling other ones amicably.

Table No. (4) indicates the number of complaints received by the Society as per nationality

Total		Action taken		Gender		Nationalities				
	1000	Referred to court	Settled amicably	Males	Females	India	Philippines	Sri Lanka	Egypt	Bengali
	69	21	48	17	52	24	21	10	13	1

In addition, the Society held a number of meetings with government officials and diplomatic missions to discuss the issue of migrant workers in Kuwait, where it visited the headquarters of the American embassy and discussed with the American ambassador in the presence of the European Union ambassador, the protection provided by the Society in order to support the rights of migrant workers and efforts to combat human trafficking. Meanwhile, a delegation from the Society visited the Kuwaiti Minister of Health to discuss a number of issues, including the mechanism of immunizing migrant workers with the vaccine of protection against infection with the Covid-19 pandemic and the organization mechanisms in the vaccination centers of Fairground in Mishref area whereas we made a field visit to Mishref before the meeting and we have not observed any violations except for some notes about the field hospital and the services it provides. On the other hand, we made our observations on the mechanism of vaccinating agricultural workers in Al-Wafra and Al-Abdali, and the crowding and chaos that we have noticed through the spread of videos on social networking sites.

The Society also has met with inspection observer in the department of recruitment and organization of domestic workers, and he was handed over a number of publications on the rights of migrant workers provided by the Society and available in Arabic, English, Hindi, Filipino, Urdu, French and Ethiopian.

The most prominent complaints that reach the Society

The Society receives a number of complaints on a daily basis, but the most prominent ones it receives are the following:

- > Reservation of workers' passports by employers.
- ➤ Delay or failure to pay workers' wages, whether monthly wages or leaving indemnity.
- > Complaints related to transferring from one employer to another.

Second: Resolutions issued within a quarter of a year

During the reporting period, we monitored the administrative changes related to the labor issue in Kuwait including both positive and negative sides. Before proceeding to mention the positive and negative aspects, we would like to point out that on 31 August, applying the administrative resolution No. 535 of 2015 regarding the ban on employment in open areas during noon times from eleven in the morning to four in the afternoon has ended. The Public Authority for Manpower reported the results of the inspections it has carried out, and indicated that it has recorded 2773 violating work sites combining 1988 workers, and the number of companies that violated for the first time is 1168. While we have announced in The Kuwaiti Society for Human Rights the monitoring of 1230 violations, i.e. 13 violations per day, whereas these violations were distributed to workers delivering orders via motorcycles, construction workers, road workers, cleaners, workers as guards for buildings under construction, and those who live in tents not equipped with air conditioning.

Positive steps..

A number of administrative variables have been monitored that targeted the organization of the labor market and its ease of management, especially in light of the repercussions associated with the Corona virus pandemic, which added more flexibility to the movement of labor during the pandemic period, as the Public Authority for Manpower approved a mechanism related to transferring the residence of those recruited with commercial visit cards. To establish work in accordance with the provisions of Article (18) so that this mechanism complies with the decisions issued by the Public Authority for Manpower regarding the transfer of manpower from one employer to another. [1]

It said that in cooperation with the Ministry of Interior, an amendment was applied to the automated systems on both sides whereas work permits shall be issued and accordingly work permits are issued to the owners of commercial visits. This mechanism was also established on the controls applied by the authority, including: obtaining the approval of the Corona Emergency Committee, and accordingly it will be possible to convert the business visit visa into a work residence upon the issuance of the work permit to the worker inside the country.

This change has indicated that the approval of the aforementioned mechanism will be the possibility of benefiting from the transfer of residences of workers from those registered on commercial visits needed by employers, knowing that this depends on the current conditions to confront the novel Corona pandemic.

^[1] Public Authority for Manpower website, news titled: Public Authority for Manpower: A new mechanism for approving the transfer of commercial visits to work residence, published on September 19, 2021, link: News details - Public Authority for Manpower (manpower.gov.kw)

Changes have been monitored in the procedures of granting health insurance to workers and their families, specifically workers according to Articles (18^[2], 20^[3], 22^[4]) inside and outside the country that have been modified according to the systems and regulations stated in the Health Insurance Department of the Ministry of Health. Where residents are granted according to Articles (18 and 22) a health insurance for two years inside the country and one year outside it, while residents according to Article (20) shall be granted health insurance for a period of 3 years inside the country and one year outside it.^[5]

The Ministry of Interior conducted inspection tours in the offices of domestic workers, and seized a number of fake offices. During the reporting period, and in several tours that we have monitored, the Ministry announced the seizure of 36 fake offices for domestic workers, managed by and in which there has been 228 workers violating the residency law.

Negative steps

The Public Authority for Manpower has suspended the provisions of Article No. (1) of Administrative Resolution No. (142) for the year 2021, which allowed workers recruited in the (industry - agriculture - Herding- Fishing - cooperative societies and unions - free trade zone) to transfer to all activities regardless of the sector that includes these activities, provided that the employer agrees.

- [2] Residents according to Article 18 are workers in the private sector
- [3] Residents according to Article 20 are domestic workers
- [4] The residents under Article 22 are the sponsored families of migrant workers in Kuwait
- [5] Tweet in the Ministry of Interior's Twitter account, published on July 14, 2021 (the link says: Twitter / Ministry of Interior on Twitter: "Assistant Undersecretary for Residence Affairs Major General Anwar Al-Barjas: The Residence Affairs Sector, in cooperation with the Ministry of Health, is modifying the procedures for granting health insurance to residents. The decision was made according to the health insurance management rules and regulations of Ministry of Health Insurance Department at Ministry of Health *The amendment concerns residence owners according to the articles (18, 20, 22) تقطاع شؤون الإقامة اللواء أنور البرجس: "قطاع شؤون الوكيل المساعد لشؤون الإقامة المواد (18, 20, 22) النظم ولوائح إدارة التأمين الصحي بوزارة الصحة •التعديل بخص أصحاب الإقامة وفق المواد (18, 20, 20, 20) https://t.co/8oHnACwyAF" (twitter.com)

This resolution (142) has been issued to grant the labor market sufficient flexibility for the transfer of labor during the Corona pandemic and to give employers in all activities the opportunity In recruiting labor from within the Kuwaiti labor market.^[6]

The Authority has issued Administrative Resolution No. (683) for the year 2021 to stop the application of the aforementioned article and to apply the provisions of Administrative Resolution No. (842) for the year 2015 and its amendments, in order to return to the application of the ban that was imposed on transferring the labor that has been brought into these sectors in accordance with the provisions of Administrative Resolution No. (842) for the year 2015 and its amendments.

Third: Statistics and indicators related to the labor market

The total number of employment in Kuwait until the end of the first half of 2021, according to the tables of the Central Department of Statistics^[7] is 1,929,903 male and female workers, of whom 419,584 are Kuwaiti workers, and 1,510,319 are migrant workers. Thus migrant labor occupies 78.3 percent. India takes precedence of the numbers of male workers with 423,328 of the total workers, followed by Egypt with 433,982 and Kuwait with 176,995, while Kuwait takes precedence of the numbers of female workers with 242,589 of the total workers, followed by India with 41,742 and the Philippines with 37,397.^[8]

^[6] Public Authority for Manpower website, news titled: Stop work transferring workers from the excluded sectors (industry - agriculture - herding - fishing - cooperative societies and unions - free trade zone) published on: July 14, 2021, link: https://www.manpower.gov.kw/NewsDetails.aspx?NewsID=244

^[7] General Department of Statistics website citing consolidated data - Labor Market System, Table No. 1 entitled: Numerical and Relative Distribution of Employment by Nationality Kuwaiti to Non-Kuwaiti and Gender According to Status on June 30, 2021 the link: الإدارة المركزية للإحصاء - موقع (csb.gov.kw)

^[8] Website of the General Department of Statistics, Table No. 3 entitled: Numerical and relative distribution of employment by the top 10 nationalities and gender according to the situation on June 30, 2021 Link: الإدارة المركزية للإحصاء - موقع سوق العمل (csb.gov.kw)

As for workers according to sector, the government sector numbers state that the number of Kuwaiti workers reached 346,569, including 206,082 females, against 140,487 males, and 90,534 non-Kuwaiti males and females, including 51,417 males and 39,117 females.^[9]

On the other hand, the number of Kuwaiti workers in the private sector decreases significantly compared to the government sector. The number of workers in the sector has reached 1,419,785 male and female workers, of whom 73,015 are Kuwaitis, half of them are females and the other half are males. The number of migrant workers in the sector has reached 1,419,785 male and female workers, including 1,289,774 males and 130,011 females.^[10]

In addition, about a quarter of the total migrant workers in Kuwait are domestic workers, whose number, as at the end of the first half of 2021, according to the tables of the Central Administration of Statistics^[11], is about 639,060 thousand workers, distributed almost equally between males, numbering about 314,532 thousand workers, and females, whose number is About 324,528 thousand female workers.

India takes precedence of the numbers of domestic workers of both sexes with 302,372 of the total domestic workers, followed by the Philippines with 137,934, then Bangladesh with 79,845, and Sri Lanka with 73,585 of the total number of domestic workers out of the 11 nationalities listed in the report.

These numbers seem to be close to the report for the first half of 2021, as the closure of the market for the recruitment of workers from abroad and its limitation has affected the increase in the number of workers, except for the business sectors of electricity, gas, steam and air conditioning, which increased by 369 workers, according to a report published in Al-Qabas newspaper on 24 September^[12], citing on the "Labor Market Report».

[10] Ibid

^[9] General Department of Statistics website, citing consolidated data - Labor Market System, Table No. 6 entitled: Numerical and Relative Distribution of Employment by Sector, Age Groups, Nationality (Kuwaiti and Non-Kuwaiti) and Gender According to the Status on June 30, 2021, the link: الإدارة المركزية للإحصاء - موقع سوق العمل (csb.gov.kw)

^[11] The website of the General Administration of Statistics, citing the combined data - Labor Market System, Table No. 11 entitled: Numerical and relative distribution of employment in the family sector according to the top 10 nationalities according to the situation on June 30, 2021 المركزية للإحصاء - موقع سوق العمل (csb.gov.kw)

^[12]Al-Qabas newspaper website, a report entitled: The Kuwaiti labor market lost 199 thousand immigrants in 15 economic activities during 12 months, the link: https://alqabas.com/article/5864188

It is noteworthy that the Kuwaiti labor market lost more than two hundred and fifty thousand migrant workers during one year. The following table compares the numbers of migrant workers between June 2020 and June 2021.

Table No.(5) A comparison between the number of migrants throughout a year

Sector	Number of workers until 20 June 2020	Number of workers to 20 June 2020	Total deficiency	
First Government Sector	97515	90534	6981	
Private Sector	1624835	1419785	205.050	
Domestic Sector	680262	639060	41.202	
Total	2402612	2149379	253233	

Government institutions ended the services of 2,089 migrant workers in the government apparatus, during the five months from March to last August, while 10,780 Kuwaiti employees have been appointed during the same period, in order to achieve the required replacement ratios in accordance with Civil Service Council Resolution 11 of 2017. According to Statistics of the number of employees in the government apparatus recently issued by the Civil Service Commission and published in Al-Qabas^[13], the number of non-Kuwaiti employees decreased from 71,600 male and female employees on 24 March 2021, in various functional groups in ministries, departments and government agencies, to 69,511 male and female employees on 17 August 2021. Moreover, the number of Kuwaiti employees increased from 308,409 male and female employees to 319,189 male and female employees.

While the suspension of granting visas for employment continued, the domestic labor market in the country witnessed various crises, which affected the status of workers and citizens in one way or another, in terms of the lack of domestic workers or deceptions that affected those wishing to hire domestic workers. The Kuwait Society for Human Rights monitored via hotline calls that

^[13] Al-Qabas newspaper website, report entitled: Recent Statistics of the Civil Service Commission: 10,780 citizens were appointed to the government in 5 months, published on September 18, 2021, the link: https://alqabas.com/article/5863682

people claiming to own employment offices and announced the availability of domestic workers, but the whole matter was a fraud, whereas the worker is hired without transferring his guarantee, and after taking high amounts of money as fetching fees and an advance salary, the worker disappears and the employee is unable to Proof of dealing with the person or entity that took advantage of the scarcity of domestic workers and practiced fraud, some of which ended within the inspection campaigns led by the Ministry of Interior during the reporting period.

In the same context, a number of workers in Kuwait had left the country following the outbreak of the Corona virus and the partial and total ban measures taken by the Council of Ministers, and employment outside the country has been suspended, especially with the closure of entry points for non-Kuwaitis, which led to the end of their residencies while they are outside the country. In witness thereof, many appeals reached the Society asking it to intervene to find solutions to the forfeiture of their residency

During the period, the Minister of Oil, in response to a parliamentary question, said that the employees of the Environment Public Authority of the migrant workers are 33 individual and the rest of the 1216 employees are citizens according to the decision to implement the rules and procedures for Kuwaitization of government jobs in implementation of the replacement policy and to provide job opportunities for national cadres.

Fourth: Public opinion stance in the employment issue

The reporting period witnessed different stances regarding the employment issue in Kuwait. The Deputy Speaker of the National Assembly suggested that it shall be mandatory to measure the skill of immigrant workers from abroad by passing a theoretical and practical skill test and obtaining a qualification certificate, as a condition for completing the procedures for granting a work visa in the country, a proposal that led to a lot of controversy over the possibility of its application, especially for domestic workers or workers in the agricultural sectors.

A report issued by the National Bank of Kuwait [14] has expected more migrant workers to leave, based on the continuing repercussions of the pandemic and Kuwaitization efforts to push companies to lay off their employees. The report stated that: "After the Kuwaiti population in 2020 witnessed the highest rate of decline on an annual basis in nearly 30 years (-2.2%), the population decreased again by 0.9% since the beginning of the year until the first half of 2021 to reach 4.62 million people. This decline is mainly due to the continued decline in the number of expatriates, while the number of Kuwaiti nationals continued to increase. In fact, the continued application of job nationalization policies (Kuwaitization) and the weak economic environment due to the pandemic, have forced companies to lay off employees, prompting thousands of expatriate families to leave the country".

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[15] Ibid

^[14] Al-Qabas newspaper website, report entitled: 190,000 expatriates have left Kuwait since the pandemic, published on September 14, the link https://alqabas.com/article/5863338

Domestic Workers:

The scarcity of domestic workers was the most frequently discussed during the reporting period, as the Kuwaiti market still suffers from a severe shortage of domestic workers, for several reasons; On top of this is the reluctance of these workers to come, preferring other neighboring countries, according to the head of the voluntary committee to study the file of domestic workers in the country, in a statement he made to Al-Jarida newspaper. He stated that the Kuwaiti market has become expelling domestic workers, which still suffers and do not feel safe therein, due to the regression of the relevant government agencies from performing their role in providing them with legal protection, and the proper settlement of their disputes that erupt with their employers, indicating that there is a problem, which is the refusal of employers to book travel tickets for their workers wishing to return to their countries after the end of the work contract, claiming the high costs of tickets, or the failure to provide an alternative worker, which may double the reluctance of domestic workers to come to Kuwait".^[16]

After the return of domestic labor recruitment after a long period of suspension as a result of the outbreak of the Corona virus, the costs of recruiting domestic workers rose to a record level, as some recruitment offices raised the cost of recruiting domestic workers through the office to 1250 dinars, in addition to the costs of the platform for recruiting domestic workers, which amounted to 500 dinars, the total amount reached 1,750 Kuwaiti Dinars, which the Indian ambassador to the State of Kuwait considered "exaggerated^[17]

^[16] Al-Jarida newspaper website, news titled: Kuwait has become expelling domestic workers! published on July 20, 2021, link: Al-Jarida Kuwaiti Newspaper | Kuwait has become expelling domestic workers! (aljarida.com), the link: حريدة الحريدة الكويتية | الكويت باتت طاردة للعمالة (aljarida.com) المنزلية (aljarida.com)

^[17] Al-Jarida newspaper website, news titled: The Indian Ambassador: The cost of recruitment is high and we support reducing it to 300 dinars, published on September 22, 2021, link: Al-Jarida Kuwaiti newspaper | Indian Ambassador: The cost of recruitment is high, and we support reducing it to 300 dinars (aljarida.com), the link: عربدة الحريدة الحويدة السفير الهندي: تكلفة الاستقدام ياهظة (aljarida.com)

Al-Jarida newspaper [18] quoting its sources, said that there are some recruitment agencies that did not comply with the recruitment costs set by the Ministry of Trade and Industry. which is 890 dinars stating, "according to the newspaper", that this is due to the scarcity of requests from the countries of those workers and the increase in demand from citizens, in addition to compensating their losses in the previous period due to the closure of the airport and the nonentry of domestic workers during a period that exceeded a year and a half of the Corona pandemic, while additional fees have been added to bring in domestic workers through the guarantor. The newspaper indicated that the offices circumvent the decisions of the Ministry of Trade and Industry, whereas an invoice is recorded for the amount of 890 dinars, and the remaining amount is received in cash from the guarantor, so that this shall not be deemed a violation or proof of their violation, stating that the guarantor shall bear 1250 dinars as a value of recruitment and 500 dinars if it is not vaccinated as a result of its registration in the safety platform for domestic workers.

The Ministry of Commerce and Industry had issued a decision to reduce the cost of recruiting domestic workers last February, warning that it would apply penalties to anyone who violates this decision stipulated in Law No. 10 of 1979 regarding the supervision of the completion of goods, services and handicrafts, and setting their prices, as amended by Law No. 117 for the year 2013, provided that the prices mentioned in this decision shall be effective from the date of its implementation, and the work of any decisions contrary to what is stated in it shall be cancelled.

^[18] Al-Jarida newspaper website, a report entitled: Domestic labor offices circumvent the price fixing decision, published on September 20, link: Al-Jarida Kuwaiti Newspaper | Domestic labor offices circumvent the price fixing decision (aljarida.com), the link: عريدة الحويدة الكويتية | مكاتب العمالة | مكاتب العمالة (aljarida.com)

Employment in the private sector:

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In a report published by Al-Anbaa newspaper [19] it stated that a study prepared by the Public Authority for Manpower stated that 71% of the salaries of the total migrant workers range between less than 60 dinars and 359 dinars. It recommended the legalization of the issuance of work permits for all professions and activities for a full year until marginal workers are liquidated and benefit from skilled workers inside the country by opening the transfer and then re-issuing the permits. It stressed the need to intensify the efforts of the Ministry of Interior and the concerned authorities to deport leaking, fake and violating workers, and addressing travel ban issues for those whose residency has expired.

It recommended to develop the decisions regulating work with regard to work permits for small and medium-sized enterprises, where its employment is estimated at 79,000 workers registered on 4,000 small enterprises only, in addition to identifying the actual needs of the labor market through developing an automated action plan regarding the estimation of the need so that the higher the activity type, the higher the estimation shall be and the professions ratings shall be automatically fixed on all professions approved in the Ministry of Trade and Industry. It also recommended reducing the number of workers with low practical qualifications, which represent a large segment of the employment rate. In addition, encouraging the youth to work in these jobs through increasing employment support of some Jobs that expel the national element such as working on the production line in factories and others to be more attractive.

^[19] Al-Anbaa newspaper, titled: Legalizing the issuance of work permits for a year to liquidate marginal workers, on September 20, 2021, link: Legalizing the issuance of work permits for a year to liquidate (alanba.com.kw), the link: عثين إصدار تصاريح العمل لمدة عام لتصفية (alanba.com.kw)

Fifth Recommendations

- ➤ Based on the aforementioned, the Kuwait Society for Human Rights commends the positive steps taken to protect the rights of workers in the State of Kuwait, and makes the following recommendations:
- > Finding solutions for those whose residency has forfeited while they are outside Kuwait; due to the closure of the official entry points.
- ➤ Business owners shall comply with Administrative Decision No. 535 of 2015 regarding the ban on the employment of workers in open areas during noon times from eleven in the morning until four in the afternoon so that workers shall not be exposed to heat stress, especially those working in the delivery of orders.
- ➤ Cancelling guarantee system that restricts the worker, and replacing it with a system that protects rights for all.
- ➤ Working to follow clear and transparent principles in the procedures and progress of complaints submitted by workers against employers, especially in complaints of cancellation and transfer in the management of labor relations.
- ➤ Enforce labor laws and the decisions implementing it in order to provide greater protection to migrant workers, including domestic workers, through inspection, follow-up, investigation and referral mechanisms.
- ➤ Enforce Law 91/2013 on Human Trafficking, Smuggling of Migrants, intensify efforts to investigate and prosecute, and ensure that there is no impunity for perpetrators of human trafficking crimes.
- ➤ Cancellation of administrative deportation, activating the role of the judiciary and making it the competent authority in the matter of deportation, and providing the necessary guarantees, such as the right to appeal.



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