Coalition on Labor Justice for Migrants in the Gulf

Submission to inform the UN Committee on the Elimination of Racial Discrimination (CERD) Report on Kuwait

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Twenty-fifth and twenty-sixth periodic report of Kuwait

Submitted by the Coalition on Labor Justice for Migrants in the Gulf

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I. Introduction

This submission provides information on racial discrimination against migrant workers in Kuwait, which the UN Committee on the Elimination of Racial Discrimination (hereafter "the Committee") noted in its List of Themes ahead of its review of the twenty-fifth and twenty-sixth periodic reports of Kuwait.[1]

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits racial discrimination, defined as including discrimination on the basis of "race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms

[1] Committee on the Elimination of Racial Discrimination, List of themes in relation to the twenty-fifth and twenty-sixth periodic reports of Kuwait (June 2026), tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FQ%2F25-26&Lang=en.

..." (Article 1(1)). While ICERD does not prohibit distinctions made between citizens and noncitizens, the Committee has been clear that such distinctions cannot be used as a pretext for racial discrimination. The Committee has recently expressed concern over xenophobia, which "exists when individuals or groups of individuals do not enjoy the same rights as the rest of the population because of their real or perceived geographical origin."[2] ICERD requires state parties to undertake to eliminate racial discrimination (Article 2(1)), racial segregation (Article 3) and sets out a positive obligation "to guarantee the right of everyone without distinction as to race, colour, or national or ethnic origin, to equality before the law," including with regard to the rights to equal treatment under law, freedom of movement, to return to one's country, freedom of association, to free choice of employment, to just and favorable conditions of work, to equal pay for equal work, to just and favourable remuneration, to form and join trade unions, to housing, and to access to public spaces (Article 5).

In the Committee's concluding observations at Kuwait's previous review in September 2017, it recommended that the government "abolish the sponsorship (kafalah) [sic] system for the employment of migrant workers and replace it with a system of residency permits for such workers, issued and overseen by the Government, to prevent exploitation and abuse."[3]

The kafala system continues to be a driver of structural racial discrimination against low-wage migrant workers, including discrimination on the basis of national origin. According to Kuwait, its workforce is dominated by non-citizens, primarily Indians, Egyptians, Bangladeshis, Filipinos, Sri Lankas, and Nepalese; other nationalities comprise together over 10% of the population. For non-citizens, the top professions are in low-wage employment including domestic work, cleaning, food and beverage service, warehouse and logistics, and manual work such as truck driving and warehouse loading.[4] Kuwait government data illustrate that all domestic workers are non-citizens — as are the vast majority of workers in low-wage employment in Kuwait.[5] Continued structural racial discrimination against low-wage migrant workers places Kuwait in direct violation of Articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).[6] The impact of the kafala system is exacerbated by the government of Kuwait's failure to provide adequate protections to migrant workers, including access to remedies (Article 6).[7]

In the List of Themes for the upcoming review, the Committee requested information on: *"Measures taken to abolish the sponsorship system for the employment of migrant workers, (kafalah) and*

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[2] Committee on the Elimination of Racial Discrimination, 'Joint general recommendation No. 38 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 7 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on general guidelines for eradicating xenophobia towards migrants and others perceived as such' (3 February 2016), https://www.ohchr.org/en/documents/general-comments-and-recommendations/joint-general-recommendation-no-38-2025-committee.

[3] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait' (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.

[4] Arab Times Kuwait 'Expat Numbers in Kuwait Drop to 3.36 Million' (22 August 2024), https://www.arabtimesonline.com/news/kuwaits-expat-population-declines-to-3-36-million-new-paci-report/.

[5] Ibid.

[6] OHCHR, 'International Convention on the Elimination of All Forms of Racial Discrimination' (21 December 1965), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial.

[7] Ibid.

measures to prevent their exploitation and abuse. Number of complaints and reported cases of labour exploitation and abuse, investigations carried out and penalties imposed."

The information in this report is based on primary evidence from migrant workers in Kuwait that was collected by members of the Coalition on Labor Justice for Migrants in the Gulf, collated via interviews in 2024 and 2025, and desk-based research covering the period of 2020-2026. This included research reports by members of the Coalition, wider reporting from civil society, official documents such as legislation from the Kuwaiti government, and reports from the United Nations, including this Committee.

II. About the Coalition on Labor Justice for Migrants in the Gulf

The Coalition on Labor Justice for Migrants in the Gulf (hereafter "the Coalition") is an international coalition of human and labour rights organisations, migrant rights organisations, and independent trade unions. The Coalition calls on governments and employers to respect the agency of migrant workers in Gulf Cooperation Council (GCC) countries to exercise their fundamental human and labour rights throughout migration and employment. This includes calling for an end to the kafala system and the ability to exercise the right to freedom of association.

III. Kuwait Engagement with the CERD

In its 2017 review of Kuwait, the Committee raised concerns[8] regarding the situation for migrant workers employed under the kafala system, including its structural link to exploitation and restrictions on agency for migrant workers, particularly domestic workers.[9] This built on concerns raised in earlier review cycles, indicating a pattern of ongoing violations.[10]

In the lead up to this review process, the Committee made a list of requests for information from the Kuwaiti government, including on "*measures to combat discrimination against migrants, including migrant workers, in particular domestic workers and to ensure adequate protection of their human rights, including their right to freedom of movement, the right to leave the country, the right to just and favourable conditions of work, the right to adequate housing and the right to health*"[11] and "*Information on measures adopted to ensure access to justice to victims of racial discrimination.*"[12]

These requests followed the State party report to the Committee in 2019, where the government of Kuwait did not provide information on the abolition of the kafala system, but stated that "*(t)he Public Authority for Manpower has issued a number of decrees the aim of which is to reduce the authority of employers over their employees and to provide greater protection to workers against any form of*

[8] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait', para 19. (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.
[9] Ibid., para 21.
[10] Ibid.
[11] Committee on the Elimination of Racial Discrimination, 'List of themes in relation to the twenty-fifth and twenty-sixth periodic reports of Kuwait', para 10, (15 June 2026), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FQ%2F25-26&Lang=en.
[12] Ibid., para 20.

abuse at the hands of their employer".[13] The Kuwaiti government made no other mention of the kafala system in this report.

IV. State Parties condemn racial discrimination and pursue policies of eliminating racial discrimination in all forms (Article 2)

In September 2021, Kuwait's Minister of Commerce and Industry issued a decision to abolish all forms of discrimination in the private sector and eliminate forms of harassment against women in the private sector, in line with international standards.[14] However, in Kuwait, the employment system for migrant workers — the kafala system — structurally embeds racial discrimination into the labour market by disadvantaging workers on the basis of national origin and tying their legal status to individual employers.

a. Migrant worker exclusion from legal protection, especially domestic workers

Low-wage migrant workers in Kuwait are excluded from certain critical legal protections and benefits. Migrant workers are excluded from major disability rights laws, which places them in situations of even greater vulnerability to severe exploitation, such as forced labour.[15] Kuwait's Law No. 73 of 2020 concerning the rights of people with disabilities is based on a citizenship model so most substantive protections and support services are attached to Kuwaiti nationals rather than the migrant workforce.[16] This leaves migrant workers to fall back on the general labour law's disability and incapacity provisions such as partial salary continuation, then termination or repatriation if unfit to work, rather than the Law No. 73 framework.[17] This worsens already present disability-based discrimination that includes lower wages, as under Law No. 6 of 2010 if a doctor classifies the treatment for a disability or workplace injury to exceed six months, the employee is entitled to half pay only until they are cured.[18] Furthermore, once a worker is certified as having a permanent disability, this functions as a lawful basis for the employer to end the employment relationship. Coalition-led focus groups have confirmed these inequalities, finding disability-based discrimination in lower wages, barriers to accessing medical care, and work hours, among other issues.[19]

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[13] Committee on the Elimination of Racial Discrimination, 'Combined twenty-fifth and twenty-sixth periodic reports submitted by Kuwait under article 9 of the Convention', para 41, (11 August 2020), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2F25-26&Lang=en.

[14] Kuwait News Agency, 'The Minister's decision to ban discrimination in employment in the private sector aims to improve Kuwait's position in business environment indicators' (September 2021), https://www.kuna.net.kw/ArticleDetails.aspx?id=2999985.

[15] Kuwait, Public Authority for Disability Affairs (PADA) Law, No. 8 of 2010.

[16] Kuwait, Law No. 73 of 2020, (15 Nov 2020), https://www.eastlaws.com/legislation-full-text/en/kuwait/law/15-11-2020/no-73?type=1&id=4865141.

[17] International Labour Organization, 'Review of National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_886063.pdf.

[18] Bureau of Emigration & Overseas Employment, 'EXPLANATORY MEMORANDUM OF LAW No 6, 2010, LABOUR IN THE PRIVATE SECTOR' (2010), https://beoe.gov.pk/files/legal-framework/labor-laws/Kuwait-Labour-Codes-and-Employment-Acts-of-2010.pdf.

[19] Coalition-led focus group (Sept 2024).

In addition, migrant domestic workers are excluded from access to sick leave. While Law No. 68 of 2015 obliges employers to provide compensation to domestic workers for work-related injuries, domestic workers are not entitled to sick leave; whereas under the equivalent Law No. 6 of 2010 Labour in the Private Sector, workers are entitled to 15 days of full pay in cases of illness or injury.[20] Domestic workers regularly report not being permitted by employers to take sick leave.[21]

V. States Parties prohibit and eliminate racial discrimination in all its forms and guarantee the right of everyone to equality before the law (Article 5)

Article 5(a) The right to equal treatment before the tribunals and all other organs administering justice;

The Government of Kuwait stated in its 2019 report that under Ministry of the Interior decrees,[22] *"persons who are in violation of the Residency Act are allowed to leave the country without paying the fines they have accumulated as a consequence of that violation" and that "No foreign national residing in Kuwait is forcibly deported."*[23]

However, evidence collected by the Coalition and from official Kuwaiti government documents show that in fact, actions taken by the government demonstrate continued deportations of migrant workers in a manner inconsistent with this decree. In 2023, Kuwait deported an average of more than 100 people per day.[24] Kuwait's failure to apply the law has a disproportionate impact on low-wage migrant workers.

In addition, low-wage migrant workers in Kuwait are being deported without adequate due process. Kuwait announced an amnesty scheme in January 2024[25] and again in March and June 2024. However, in June 2024, the day after the amnesty scheme ended, 450 migrants were forcibly deported and blacklisted — denied entry to any GCC countries for five years.[26] At a Coalition-led focus group, workers voiced the importance of providing amnesty to undocumented workers, but

[20] Bureau of Emigration & Overseas Employment, 'EXPLANATORY MEMORANDUM OF LAW No 6, 2010, LABOUR IN THE PRIVATE SECTOR' (2010), https://beoe.gov.pk/files/legal-framework/labor-laws/Kuwait-Labour-Codes-and-Employment-Acts-of-2010.pdf.
[21] Coalition 2024 TIP Submission, p. 3-4
[22] Decree No. 64 and Decree No. 192 of 2018
[23] Committee on the Elimination of Racial Discrimination, 'Combined twenty-fifth and twenty-sixth periodic reports submitted by Kuwait under article 9 of the Convention, due in 2020', para 30. (11 August, 2020), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2F25-26&Lang=en.
[24] Middle East Monitor, 'Kuwait has deported over 100 expats per day so far in 2023: Report.' (August 2023), https://www.middleeastmonitor.com/20230827-kuwait-has-deported-over-100-expats-per-day-so-far-in-2023-report/.
[25] Migrant-Rights.org, 'Op-ed: Kuwait's backtracking on 'pay-for-amnesty' policy fails to protect rights of migrants.' (February 2024), https://www.mrrors.org/2024/02/op-ed-kuwaits-backtracking-on-pay-for-amnesty-policy-fails-to-protect-rights-of-migrants/.
[26] Gulf News, 'Kuwait: 450 illegals rounded up in crackdown after amnesty ends; Deportees can't enter other GCC countries for 5 years.'(July 2024), https://gulfnews.com/world/gulf/kuwait/kuwait-450-illegals-rounded-up-in-crackdown-after-amnesty-ends-deportees-cant-enter-other-gcc-countries-for-5-years-1.103394248. ; Americans for Democracy & Human Rights in Bahrain, 'The Aftermath of Kuwait's Amnesty Scheme: The Start of Another Mass Deportation.' (July 2024), https://www.adhrb.org/2024/07/the-aftermath-of-kuwaits-amnesty-scheme-the-start-of-another-mass-deportation/.

noted that the amnesty periods are far too short to have the needed impact — as a result of which deportations without due process continue.[27]

Article 20 of the Amiri Decree-Law No. 114 of 2024 on the Foreigners' Residence Law,[28] issued on November 28, 2024, which extends the power of the Ministry of the Interior to deport migrants on grounds such as "public interest, security, or morals," enables deportations of low-wage migrant workers without due process.[29] There is no judicial oversight or the right to appeal, increasing migrant workers' vulnerability to abuse without access to justice or remedy.[30] As a result of this new law, thousands of migrant workers have been arrested and deported from Kuwait through judicial proceedings or administrative orders.[31]

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

a. Violence against migrant domestic workers by employers

The Committee, in its 2017 review of Kuwait, expressed concern at reports that *"foreign domestic workers face serious physical, verbal and sexual abuse by employers*".[32]

Domestic workers in Kuwait face particular risk of physical abuse and violence by employers due to the private and isolated nature of the work. Migrant domestic workers are not afforded the same labour rights protections as private sector workers, and migrant domestic workers in particular are explicitly excluded from private sector labour law provisions, namely Law no.6/2010, Labour in the Private Sector.[33,] A 2015 reform was intended to remedy legislative gaps and provide greater protections specifically for domestic workers,[34] but discriminatory gaps persist to the current day.[35]

Research conducted by Equidem in Kuwait between 2024 and 2025 found that nine domestic workers out of 26 interviewed reported instances of abuse or violence at the hands of their

[27] Coalition-led focus group (Sept 2024).

[28] Amiri Diwan, 'Amiri Decree issued new law concerning foreigners' residency' (28 November, 2024), https://www.da.gov.kw/en/news/1200-28_11_2024/.

[29] Amnesty International, 'Human Rights in Kuwait' (2025), https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/kuwait/report-kuwait/.

[30] Ibid.

[31] Ibid.

[32] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait', para 23. (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.

[33] State of Kuwait, 'New Private Sector Labour Law No. 6 of 2010 with Explanatory Memorandum', Article 5. (2010), https://indembkwt.gov.in/pdf/Private%20Sector%20Laws%20of%20Kuwait.pdf ; Bureau of Emigration & Overseas Employment, 'EXPLANATORY MEMORANDUM OF LAW No 6, 2010, LABOUR IN THE PRIVATE SECTOR' (2010), https://beoe.gov.pk/files/legal-framework/labor-laws/Kuwait-Labour-Codes-and-Employment-Acts-of-2010.pdf.

[34] U.S. Department of State, '2023 Trafficking in Persons Report: Kuwait,' (2023), https://www.state.gov/reports/2023-trafficking-in-persons-report/kuwait/. ; ILO, 'Regulatory Framework Governing Migrant Workers: Kuwait,' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776524.pdf.

[35] For instance, while the national private sector law mandates eight hour workday maximums, and six hour maximums during Ramadan; Law No. 68 permits domestic workers to work 12 hours per day, and does not provide reduced hours during Ramadan — a period in which domestic workers are at higher risk of exploitation that can amount to forced labor. Source: Migrant-Rights.org, 'Domestic workers face harsher working conditions as Ramadan begins,' (14 Mar 2024), https://www.mrrors.org/2024/03/domestic-workers-face-harsher-working-conditions-as-ramadan-begins/.

employers.[36] For example, in March 2024, a worker reported to a Coalition partner that an employer burned her with acid and forced her to drink it in retaliation for complaining about her working conditions to the employer.[37] Workers often fear retaliation or deportation for reporting abuses, which acts as a barrier to justice and remedy.

In November 2024, the UN Committee Against Torture expressed deep concern at reports of widespread abuse, exploitation and ill-treatment of migrant workers in Kuwait, including cases of murder of migrant domestic workers, physical, sexual and psychological abuse, long working hours without rest, food deprivation, restriction of movement, confiscation of passports and other personal documents, and denial of annual paid leave — which "may amount to forced labour and resemble slavery".[38]

Kuwait has not ratified ILO Convention C189 - Domestic Workers Convention, 2011 (No. 189) which requires ratifying states to develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, including specifying the conditions under which access to household premises may be granted.[39]

Article 5 (d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

Kuwait's labor migration law infringes on workers' right to return to one's own country, imposing strict regulations around legal access in and out the country for employment purposes. Exit permit requirements introduced in 2025 by through a ministerial circular by the First Deputy Prime Minister and Minister of Interior, in coordination with the Public Authority for Manpower (PAM),[40] restrict migrant workers ability to leave the country without the permission of employers.[41] Article 20 of the Amiri Decree-Law No. 114 of 2024 on the Foreigners' Residence Law,[42] issued on November 28, 2024, also grants broader powers to employers and authorities to restrict travel and deport individuals; Article 19 prohibits migrant workers from working for any other entity without the permission of their employer. Workers report being unable to leave an employer due to refusal from employers to issue a No Objection Certificate (NOC), a document that is required to enable a worker to leave an

[36] Equidem interviews 2024-2025.
[37] Complaints received by IDWF (Jan 2023 - June 2024).
[38] UN Committee against Torture, 'UN Committee against Torture publishes findings on Cameroon, Jordan, Kuwait, Mongolia, Namibia and Thailand' (22 November 2024), https://www.ohchr.org/en/press-releases/2024/11/un-committee-against-torture-publishes-findings-cameroon-jordan-kuwait.
[39] ILO - Normlex, 'C189 - Domestic Workers Convention, 2011 (No. 189)' Article 17, (2011), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID%2CP12100_LANG_CODE:2551460%2Cen.
[40] ImpACT International, 'Kuwait's Exit Permit Rule for Expat Workers: A New Era of Control or Compliance?' (12 June, 2025), https://impactpolicies.org/news/495/kuwaits-exit-permit-rule-for-expat-workers-a-new-era-of-control-or-compliance.
[41] Human Rights Watch, 'Kuwait's Exit Permit Requirement Puts Migrant Workers at Risk,' (15 Jun 2025), https://www.hrw.org/news/2025/06/15/kuwaits-exit-permit-requirement-puts-migrant-workers-at-risk.
[42] Amiri Diwan, 'Amiri decree issued new law concerning foreigners' residency,' (28 Nov 2024), https://www.da.gov.kw/en/news/1200-28_11_2024/.

employer.[43] In addition, in practice, employers also directly violate workers' rights to leave the country; for example, workers report widespread employer confiscation of passports.[44]

Multiple cases of workers being unable to return home have been documented by Equidem, as a result of required employer consent for migrant workers to exit the country under exit permits legislation described above, enforced by the Kuwaiti government, with workers often being refused permission to return home for years at a time. The justification for these decisions is often at the employer's discretion. For example, as part of a series of interviews from 2025-2025, Equidem interviewed a Nepali domestic worker who reported being prevented from returning home for five years:" *They said they paid a huge sum of money for me so I cannot return until they allow me.*"[45]

Finally, while domestic workers may apply for residency under the government of Kuwait's legislation, this can only be granted for a period of up to five years, and significantly restricts workers' rights to leave the country during their residency. Penalties apply for workers — even those with residency — who are reported as absent from work by their employer to the Ministry of the Interior. Residency status or application for status may be cancelled if a domestic worker is absent from the country for longer than four months without previous approval from the Ministry of the Interior.[46] Furthermore, employers are required to report instances of domestic workers' absence longer than a period of two weeks.[47]

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

a. <u>National origin-based wage and recruitment fee discrimination</u>

Low-wage workers in Kuwait report systematic nationality-based discrimination. Research by Equidem, conducted between July 2024 and February 2025 across the construction, domestic work, and hospitality sectors, exposed pervasive nationality-based discrimination within these sectors. Migrant workers report being paid different wages for the same work on the basis of their country of origin,[48] which is a common structural practice across the GCC states rooted in stereotypes about workers' worth or value based exclusively on their nationality.[49] For example, as a Nepali worker employed in the construction sector highlighted:

[43] Equidem, Kuwait field investigation, July 2024—February 2025.
[44] Human Rights Watch, 'Kuwait's Exit Permit Requirement Puts Migrant Workers at Risk,' (15 Jun 2025), https://www.hrw.org/news/2025/06/15/kuwaits-exit-permit-requirement-puts-migrant-workers-at-risk.
[45] Equidem, Kuwait domestic worker interview, August 2024
[46] ARALF, 'New Foreign Residency Law Issued Under Amiri Decree No. 114/2024,' (18 Dec 2024), https://www.arazzaqlaw.com/new-foreign-residency-law-issued-under-amiri-decree-no-114-2024/.
[47] Amiri Diwan, 'Amiri decree issued new law concerning foreigners' residency,' (28 Nov 2024), https://www.da.gov.kw/en/news/1200-28_11_2024/.
[48] Equidem interviews (Aug-Sept 2024).
[49] Business and Human Rights Centre, 'Gulf: Workplace discrimination, incl. nationality-based wages, one of the most common issues for migrants, finds Migrant-Rights.org' (17 Mar 2025), https://www.business-humanrights.org/en/latest-news/gulf-workplace-discrimination-incl-nationality-based-wages-one-of-the-most-common-issues-for-migrants-finds-migrant-rightsorg/.

> "'I have been working here for nine years, but my salary is still only 200 dinars. Meanwhile, Filipino and Egyptian workers joining later than me and working in the same job have already been promoted and received salary raises. When I asked my supervisor, a local national, about this disparity, he told me - since you are Nepali, whatever the company is paying you should be enough."[50]

Workers in Kuwait report that this racial hierarchy is also illustrated by the treatment of workers at the top: Arab or Western workers are provided benefits such as promotions or higher salaries for the same work as workers from South or East Asia or Africa.

Workers report a tiered recruitment fee system, which is indicative of nationality-based discrimination in recruitment and employment. While recruitment fees are required to be capped for domestic workers at KD750 from Asian countries, the cap is KD575 for workers from African countries and KD350 for individuals with a special passport provided by sponsors.[51] Furthermore, the recruitment fees paid by migrant workers are often extortionate and borrowed at interest rates of 4-5%, creating debt bondage that traps workers in exploitative conditions, tied to their employers and unable to leave.[52]

b. Contract violations disproportionately impacting migrant workers

Low-wage migrant workers in Kuwait also report systemic non-payment of agreed wages, an indicator of forced labour. Interviews conducted in 2024 by Equidem found that 14 out of 22 workers interviewed reported wage-related violations, including wages being less than the amount promised or mentioned in contract, delay payment and non-payment.[53] The majority of the domestic workers interviewed reported that their employers often delay payments by two to three months. Workers also reported their employers not paying them end-of-service benefits as required by contract. As one worker described:

> "My employer often pays me in an interval of two to three months. I need to send money home on a monthly basis to pay back my loan, child's school fees and other household expenses. However, I am scared to ask my employer to pay on a monthly basis."[54]

In addition, low-wage migrant workers in Kuwait, particularly migrant domestic workers, also report agreeing to one set of tasks in a contract, then upon arrival are faced with another contract with a different set of tasks, or different scope of work entirely.[55] Between June and December 2023, a domestic worker support organization handled 33 cases of contract substitution — when a worker receives a different contract upon arrival than what was authorized prior to departure.[56] Contract substitution contravenes the Domestic Workers Law

[50] Equidem interviews (Aug-Sept 2024), a Nepalese man employed in Kuwait in the construction sector interviewed on September 23, 2024.
[51] Gulf Sustain, 'Understanding GCC Labour Laws. Part two: Prohibition of Recruitment Fees,' (n.d.), https://gulfsustain.org/insights/understanding-gcc-labour-laws-part-two-prohibition-of-recruitment-fees.
[52] Equidem, Kuwait field investigation, September—November 2024.
[53] Equidem interviews (Aug-Sept 2024).
[54] Equidem interviews, (Aug-Sept 2024), A Nepalese woman employed in Kuwait in domestic sector interviewed on August 12, 2024.
[55] Coalition 2024 TIP Submission p.1, 6
[56] Ibid.

(No. 68 of 2015), which states that the employer is prohibited from assigning any work other than what is in the agreed upon contract.[57] While contracts are required to be provided in both Arabic and English, they are not required to be provided in a migrant worker's primary language or a language the worker can read and understand. This can lead to further misunderstandings about contract terms, the rights guaranteed under them, including how to contest a breach of contract or a change of terms, and other issues, which facilitates deception. Deceptive contracts and contract substitution has a disproportionate prevalence and impact on African migrant domestic workers. Many African countries of origin do not have embassies in Kuwait, leaving their nationals without a key avenue of support as embassies often provide support to migrant domestic workers with disputes, contract renewal, and other bureaucratic processes.[58]

c. Personal identification documents

In its 2017 Concluding Observations to Kuwait, the Committee remained "*concern[ed] that employers are allowed to retain foreign workers' personal identification documents*",[59] a practice maintained in Kuwait, despite being illegal in most sectors under Ministerial Resolution No. 143/A/2010.[60]

In 2022, the Kuwaiti government introduced a new regulation stating that, "An employer of a domestic worker is permitted to keep the worker's passport and ID if the worker has given their consent."[61] Given the extreme power imbalances between migrant workers and their employers, as well as the risk of retaliation against migrant workers, it is difficult to establish that consent for document retention is freely given. Thus the regulation facilitates employer retention or confiscation of workers' documents. Furthermore, passport confiscation remains a core tenant of the kafala system, as well as an indicator of forced labour, restricting mobility and placing further control over migrant workers in the hands of their employer. Research by Equidem across 2024 and 2025 has found this practice present across sectors in Kuwait, finding eight of nine construction workers, 23 of 26 domestic workers, and four of seven hospitality workers reported their passports being confiscated by employers.[62] Upon confiscation, workers reported being told their passports would only be returned upon going back to their country of origin, thus restricting voluntary departure from Kuwait, including to leave situations of forced labour or other forms of exploitation, without employer cooperation.[63]

d. Excessive working hours and wage theft

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[57] Embassy of India, Kuwait, 'Domestic Labour Laws of Kuwait,' (n.d.), https://indembkwt.gov.in/pdf/Domestic%20Labour%20Laws%20of%20Kuwait.pdf.
[58] Coalition UPR submission, para. 32
[59] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait', para 23. (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.
[60] Ministry of Social Affairs and Labor, 'Decree No. 143 of 2010,' (22 Aug 2010), https://www.eastlaws.com/legislation-full-text/en/kuwait/22-08-2010/no-143?type=1&id=4859701.
[61] ILO, 'Regulatory Framework Governing Migrant Workers: Kuwait,' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776524.pdf.
[62] Equidem, Kuwait field investigation, 2024–2025.
[63] Equidem, Kuwait field investigation, 2024–2025.

Migrant workers continue to face unjust working conditions in Kuwait, sustained by the inequitable realities of working under the kafala system. While Kuwait does set a maximum working limit per day of 12 hours, this remains higher than the 8-hours mandated for private sector workers under the labour law.[64] In the construction sector, workers are required to work excessive overtime hours, often working 10-12 hour days.[65] 18 of 22 workers interviewed by Coalition partners in August 2024 reported working excessive work hours, with most of them — mainly migrant domestic workers — working up to 16-17 hours a day often without any days off or adequate breaks. Migrant workers in hospitality face similar challenges, working 12-hour shifts in hotels with only a half-hour break, with some even reporting restrictions on bathroom breaks.[66]

While payment for overtime is provided for by law in Kuwait, a lack of adequate enforcement mechanisms and ineffective complaints mechanisms means in reality, compliance with these laws is low.[67] Indeed, in these cases mentioned above, workers are often not paid for this additional work, and when they are this rarely, if ever, aligns with contractually owed rates of half-day wage for these services for up to two additional hours.[68] Instead reports show instances of migrant workers paid only 1 KWD ($3 USD) for 2 hours of overtime.[69]

As the most vulnerable group to exploitative labour conditions due to exclusions for labour laws, domestic workers also face wage theft and excessive working hours. While Kuwait's Law No. 68/2015 regarding Domestic Workers[70] does stipulate wages must be paid in full and in a timely manner, these laws are often poorly enforced, leaving instances of domestic workers not being paid for months or years, amounting to severe wage theft, an indicator of forced labour.[71] Kuwait does stipulate a minimum wage for domestic workers, however the excessive working hours due to lack of regulation, means that hourly rates for domestic workers are often as low as 30-40 USD cents.[72] Additionally, contracts drawn up at the beginning of employment are often not followed in practice and migrant domestic workers have little recourse to enforce these contracts. During Equidem's research with domestic workers, one worker reported being paid 200 KWD ($647 USD) instead of the promised 300 KWD ($972 USD) and having to pay for her own food despite accommodation and meals having been agreed to be included.[73]

Unpaid overtime is considered the norm for domestic workers, with 23 of 26 workers interviewed by Equidem reporting working additional hours, and 10 of these same 26 workers reporting a failure to receive owed wages from employers.[74]

e. <u>The right to form and join trade unions;</u>

[64] Migrant-Rights.org, 'Equal Rights for Domestic Workers,' (n.d.), https://www.mrrors.org/campaign/domesticworkers/.
[65] Equidem, Kuwait field investigation, 2024—2025.
[66] Equidem, Kuwait field investigation, 2024—2025.
[67] Migrant-Rights.org, 'Equal Rights for Domestic Workers,' (n.d.), https://www.mrrors.org/campaign/domesticworkers/.
[68] Ibid.
[69] Equidem, Kuwait field investigation, 2024—2025.
[70] Embassy of India, Kuwait, 'Domestic Labour Laws of Kuwait,' (n.d.), https://indembkwt.gov.in/pdf/Domestic%20Labour%20Laws%20of%20Kuwait.pdf.
[71] Migrant-Rights.org, 'Equal Rights for Domestic Workers,' (n.d.), https://www.mrrors.org/campaign/domesticworkers/.
[72] Ibid.
[73] Equidem, Kuwait field investigation, September—November 2024.
[74] Equidem, Kuwait field investigation, 2024—2025.

Migrant workers in Kuwait are effectively barred from forming or joining trade unions, leaving them with no collective mechanisms to organise or contest exploitation. Even though Kuwait has ratified International Labour Organization (ILO) Conventions No. 87 and No. 98 on freedom of association and collective bargaining,[75] trade union rights continue to be limited for migrant workers in Kuwait, in violation of their fundamental labour rights.[76] Migrant workers can only join unions as nonvoting members and must first complete five years of work in the sector the union represents. An additional certificate of good conduct and moral standing is required from the government for joining.[77] Even when they fulfill the criteria required to join trade unions,[78] migrant workers cannot hold leadership positions, be members of union boards, vote for union elected leaders, or participate in collective bargaining, significant limitations on this fundamental right. Additionally, migrant workers are prohibited from forming their own trade unions, and can only engage with already established unions set up by national workers.[79]

Furthermore, these laws do not extend to domestic workers, who are unable to join unions,[80] leaving them without the effective exercise of freedom of association, a crucial enabling right and the strongest protection against forced labour and other forms of labour exploitation.[81] While they are covered by the Domestic Workers Act[82] and the Ministerial Decision 22/2022, which provide some basic worker protections such as maximum hours worked a day and regular salary payments,[83] neither of these laws protect their right to organise. This reality was corroborated by a 2025 observation of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), which "note[d] with regret" a lack of progress by the Government in progress to this regard since the previous report in 2022 in which the Government had not indicated

[75] ILO, 'C087 — Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87),' (adopted 1948), https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232.; ILO, 'C098 — Right to Organise and Collective Bargaining Convention, 1949 (No. 98),' (adopted 1949), https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098.

[76] ILO, 'Regulatory Framework Governing Migrant Workers: Kuwait,' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776524.pdf.

[77] U.S. Department of State, 'Kuwait,' 2024 Country Reports on Human Rights Practices, (12 Aug 2025), https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/kuwait.

[78] Kuwait, Private Sector Labour Law No. 6 of 2010, (2010), https://www.manpower.gov.kw/docs/LaborLaw/Labor_Law_Eng.pdf.

[79] U.S. Department of State, 'Kuwait,' 2024 Country Reports on Human Rights Practices, (12 Aug 2025), https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/kuwait.

[80] ILO, 'Regulatory Framework Governing Migrant Workers: Kuwait,' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776524.pdf.

[81] U.S. Department of State, 'Kuwait,' 2024 Country Reports on Human Rights Practices, (12 Aug 2025), https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/kuwait.

[82] Law No. 68 / 2015 covers basic labour protections for domestic workers, around issues including contracts, working hours, rest, and overtime. ILO, 'Regulatory Framework Governing Migrant Workers: Kuwait,' (2023), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776524.pdf; Embassy of India, Kuwait, 'Domestic Labour Laws of Kuwait,' (n.d.), https://indembkwt.gov.in/pdf/Domestic%20Labour%20Laws%20of%20Kuwait.pdf.

[83] Ministerial Decision No. 22 / 2022 "further regulates the recruitment, working conditions, transfer of employment and repatriation of migrant domestic workers."ILO CEACR, 'Direct Request (CEACR) - adopted 2022, published 111th ILC session (2023) - Kuwait,' (2022/2023), https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:4322834. ; Kuwait, 'Ministerial Decision 22/2022 on the Executive Regulations of Act No. 68 of 2015,' (2022), https://oneroofkw.org/wp-content/uploads/2023/04/٢٠٢٢-التنفيذية-اللائحة-.pdf.

any measures taken, nor provided information on the way migrant and domestic workers exercise these fundamental rights in practice.[84]

Freedom of association and collective bargaining are cornerstone rights, creating the conditions for trade unions and workers' movements to combat structural exploitation and discrimination by advancing, defending, and enforcing all other labour rights - and is the most effective method to prevent and obtain remedy for forced labour and trafficking.[85] Given that two thirds of the population of Kuwait are migrants,[86] these restrictions on freedom of association impact a majority of the population of the State.

VI. The Right to effective protections and remedies (Article 6)

In Kuwait, migrant workers often do not have effective access to protections or remedies, whether due to exclusions of domestic workers in legislation, enforcement gaps, or fears of reporting abuses due to retaliation from employers.

a. Lack of effective complaint mechanisms and remedies

The Committee expressed concern at this in its 2017 review of Kuwait, referencing "*the lack of precise information concerning the outcome of complaints by foreign domestic workers of abuse, penalties under the Law and relevant enforcement mechanisms.*"[87] and "*that many foreign workers are unaware of their rights and responsibilities under national law and are not informed of avenues of redress, including compensation, in cases where they need assistance.*"[88]

Equidem's research across sectors in Kuwait has revealed that complaints from migrant workers to supervisors resulted in threats of dismissal or deportation.[89] Reflected in the experience below:

> *"A Nepali hospitality worker who sought embassy assistance after being denied their NOC, unpaid salary, and passport reported that the embassy was 'unhelpful'; the labour court only offered to assist if the worker agreed to cancel their visa — effectively penalising the worker for seeking redress."*[90]

No worker interviewed by Equidem across the reporting period reported a successful formal complaint outcome.[91] The majority of workers interviewed by Equidem in August 2024 reported not

[84] ILO Normlex, 'Observation (CEACR) - adopted 2024, published 113rd ILC session (2025)' https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4415865,103423.

[85] Anti-Slavery International, Submission to the UN Special Rapporteur on contemporary forms of slavery call for Inputs on the role of workers' organisations in preventing and addressing contemporary forms of slavery (March 2024), https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/cfis/role-workers/subm-role-workers-organisations-cso-anti-slavery-international.pdf; Coalition on Labour Justice for Migrants in the Gulf, Submission to the UN Special Rapporteur on contemporary forms of slavery on the role of workers' organisations in preventing and addressing contemporary forms of slavery (March 2024), https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/cfis/role-workers/subm-role-workers-organisations-cso-coalition-labor-justice-migrants-gulf.PDF.

[86] Central Statistical Bureau (Kuwait), 'Population Estimates in Kuwait by Age, Nationality and Sex at 1-1-2024,' (1 Jan 2024), https://csb.gov.kw/Pages/Statistics_en?ID=67&ParentCatID=%201.

[87] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait', para 23. (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.

[88] Ibid., para 25.

[89] Equidem, Kuwait field investigation, July 2024—February 2025.

[90] Equidem, Kuwait field investigation, November 2024.

[91] Equidem, Kuwait field investigation, July 2024—February 2025.

being aware of existing support or justice mechanisms, and 14 workers reported that they were not aware of where and how to seek help or file a complaint if needed. In Kuwait's National Report following the third cycle Universal Periodic Review, it stated that PAM was seeking to make migrant workers aware of online complaint mechanisms,[92] yet workers report that they still face significant difficulty in reporting their abuses using online platforms, which were rolled out in 2023. This is due to barriers including language, illiteracy, and lack of awareness that the online complaints mechanisms exist.[93] In practice, the webpage is only accessible in Arabic, and the online platform requires information that domestic workers often do not have access to — like the full name and civil identification number of their employer.[94]

The barriers to freedom of association make migrant workers vulnerable to exploitation and without access to justice or effective mechanism for seeking redress. Indeed, interviews conducted by Equidem between 2024 and 2025 revealed that the absence of any collective mechanism meant that workers who experienced wage theft, abuse, or contract violations had no recourse other than individual complaint, a route that most workers described as ineffective or dangerous given their visa dependency on the employer.[95]

b. Retaliation against migrant workers to deter or in retaliation for reporting abuses

Despite the reforms of the 2022 Ministerial Decision,[96] Coalition partners have received reports that employers continue to file complaints against migrant workers who have complained about employment conditions.[97] Workers report being threatened with termination of employment or deportation if they are to bring complaints, which creates a disincentive to report abuses due to fears of retaliation.[98] An insidious form of employer control is the employer's ability to file an "absconding" charge against a worker which can result in criminal charges and deportation. These absconding charges, raised by the Committee in paragraph 23 of the Concluding Observations,[99] are frequently filed or threatened as a consequence for a worker complaining about employment conditions, such as excessive work hours[100] or withholding of wages. The absconding law thereby operates as a barrier to migrant workers, particularly migrant domestic workers, being able to report abuse.

A Business and Human Rights Resource Centre report indicated that when workers raised salary disputes, supervisors or employers often responded by making false absconding complaints in order to bypass legal responsibilities to pay fair wages, provide food and accommodation, or pay for

[92] UN Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Kuwait,' (2014), https://www.refworld.org/reference/countryrep/unhrc/2014/103545.
[93] Complaints received by IDWF (Jan 2023 - June 2024), Migrant-Rights.org, 'Kuwait launches new electronic service for domestic labour disputes,' (Jan 2023), https://www.mrrors.org/2023/01/kuwait-launches-new-electronic-service-for-domestic-labour-disputes/.
[94] Complaints received by IDWF (Jan 2023 - June 2024).
[95] Equidem, Kuwait field investigation, 2024—2025
[96] Kuwait, 'Ministerial Decision 22/2022 on Law No. 68 of 2015,' (2022), https://oneroofkw.org/wp-content/uploads/2023/04/٢٠٢٢-التنفيذية-اللائحة-.pdf.
[97] Complaints received by IDWF (Jan 2023 - June 2024).
[98] Equidem, Kuwait field investigation, July 2024—February 2025.
[99] Committee on the Elimination of Racial Discrimination, 'Concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait', para 23. (19 September 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKWT%2FCO%2F21-24&Lang=en.
[100] Equidem interviews, (Aug-Sept 2024).

repatriation back to countries of origin.[101] Alternatively, reports suggest employers responded with threats to terminate employment or book return flights, without the consent of employees.[102] This has been documented across sectors in Kuwait with reports from Equidem finding the pattern documented in 3 of 9 construction workers and 13 of 26 domestic workers.[103]

Research between 2024 and 2025 found that migrant workers reported differences in access to trade unions and complaints mechanisms, along national lines, with exclusions from these labour protections disproportionately applying to workers from South and South-East Asia, who constitute the majority of Kuwait's migrant workforce.[104]

Additionally, the Government of Kuwait does not adequately and effectively cooperate with the origin country embassies of migrant workers, which puts migrant workers at greater risk of trafficking and forced labor, and further eliminates an opportunity for migrants to access an effective remedy. The Government of Kuwait has requested embassies of countries of origin to stop sheltering domestic workers, even while Kuwait state shelters are over capacity, further exacerbating violations instead of providing for effective protections. For example, in May 2023 PAM received over 400 Filipina domestic workers after "the Philippines embassy's illegal shelter was shut down," which resulted in hundreds of deportations and criminal cases being filed. Furthermore, most African countries do not have an embassy in Kuwait, putting many African workers at further risk of rights' violations as they have fewer resources from which they can seek help in cases of abuse. These circumstances mean that many migrant workers — particularly undocumented domestic workers — have no place to seek refuge if trying to escape abusive working conditions.[105]

VII. Discriminatory impacts of war on migrant workers

Migrant workers in Kuwait face extreme and layered risks during the ongoing impacts of the war between the US and Iran,[106] given that language barriers, employer permission, and legal discrimination may limit their access to information, shelters, and/or evacuation channels. This is made worse by the kafala system,[107] under which this systemic lack of mobility further traps migrant workers in conflict zones limiting their movement. In 2026, migrant workers in Kuwait and across the GCC and broader region have been injured and killed. This includes the death of Santhana Selvam

[101] Business and Human Rights Resource Centre, 'Kuwait: Investigation finds many "absconding" cases filed by employers against workers false, annuls all lodged during COVID-19,' (10 Jul 2020), https://www.business-humanrights.org/en/latest-news/kuwait-investigation-finds-many-absconding-cases-filed-by-employers-against-workers-false-annuls-all-lodged-during-covid-19/.
[102] Equidem, Kuwait field investigation, 2024–2025.
[103] Equidem, Kuwait field investigation, 2024–2025.
[104] Equidem, Kuwait field investigation, July 2024–February 2025.
[105] Coalition UPR submission, para. 28
[106] Coalition on Labor Justice for Migrants in the Gulf, 'Dignity for Migrant Workers: Documenting Deaths in War,' (10 Apr 2026), https://laborjusticegulfmigrants.org/documenting-mw-deaths-in-war/.
[107] Coalition on Labor Justice for Migrants in the Gulf, 'Urgent Call to Action: Solidarity with Migrant Workers and Demands Amid Escalating Conflict in the Middle East,' (9 Mar 2026), https://laborjusticegulfmigrants.org/solidarity-statement-march-2026/.

Krishnan, an Indian migrant worker working in a desalination plant who was killed in March 2026.[108] Three UN Special Rapporteurs warned in a statement in April 2026 that:

> *"Military escalation in the Middle East has heightened risks for migrant workers who may face increased exposure to sudden job loss, injury or death during such periods of instability..., underscoring the urgency for reform."*[109]

The outbreak of conflict in the region has led to significant restrictions in freedom of expression, particularly affecting migrant workers as fears of surveillance and deportations prevent their ability to raise concerns over labour abuses and dangerous working conditions. Many workers now fear speaking out on their conditions to international media or human rights organisations, even under the conditions of anonymity.[110]

Crackdowns on freedom of expression have been recorded by Amnesty International since the beginning of the conflict, recording 33 arrests in March 2026.[111] These arrests are justified under new legislation that expands the state's powers in the name of "combating terrorism" and protecting national security. In March 2026, two significant laws were introduced; Law No. 47/2026[112] on Combating Terrorism and Law No. 13/2026[113] titled Concerning the Securing and Protection of the Supreme Interests of Military Entities.

Additionally, in April 2026, changes to the Kuwaiti Nationality Law were made, allowing authorities to strip individuals of their nationality in the interest of the state or its external stability, or if there is evidence an individual has promoted ideas that undermine the countries economic, political or political system, or belongs to a foreign political organization.[114] By April 26, 2026, 1,200 people had been stripped of their nationality with no reason given under this change in legislation; Amnesty International reported that this increased fear among migrants, which has a deterrent effect on their freedom of expression.[115]

VIII. Recommendations to the Government of Kuwait

- Pass and implement legislation recognising all migrant workers' rights to freely associate, organise, collectively bargain and form a trade union in line with ILO C087 and C098.

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[108] Dadson, Y.A., Bennett-Gayle, D.M., Ramenzoni, V. and Gilmore, E.A., 'Experiences of Immigrants During Disasters in the US: A Systematic Literature Review,' Journal of Immigrant and Minority Health (7 Nov 2024), https://pmc.ncbi.nlm.nih.gov/articles/PMC11782316/. ; Coalition on Labor Justice for Migrants in the Gulf 'DIGNITY FOR MIGRANT WORKERS: Documenting Deaths in War' (10 April 2026), https://laborjusticegulfmigrants.org/documenting-mw-deaths-in-war/.

[109] OHCHR, 'UN experts urge Saudi Arabia to end Kafala system amidst World Cup preparations,' (29 Apr 2026), https://www.ohchr.org/en/press-releases/2026/04/un-experts-urge-saudi-arabia-end-kafala-system-amidst-world-cup-preparations.

[110] Human Rights Watch, 'Gulf States: Repression of Migrant Workers During Conflict,' (11 Jun 2026), https://www.hrw.org/news/2026/06/11/gulf-states-repression-of-migrant-workers-during-conflict.

[111] Amnesty International, 'Gulf States: More Than 1,000 Arrested in Sweeping War-Related Crackdown on Expression,' (1 Jun 2026), https://amnesty.ca/human-rights-news/gulf-states-1000-arrested-war-related-crackdown-expression/.

[112] Kuwait, 'Decree Law No. 47 of 2026,' (15 Mar 2026), https://www.eastlaws.com/legislation-full-text/en/kuwait/decree-law/15-03-2026/no-47?type=1&id=5541128.

[113] Ibid.

[114] Amnesty International, 'Gulf States: More Than 1,000 Arrested in Sweeping War-Related Crackdown on Expression,' (1 Jun 2026), https://amnesty.ca/human-rights-news/gulf-states-1000-arrested-war-related-crackdown-expression/.

[115] Ibid.

- Decriminalise absconding and prohibit employers from filing absconding charges to retaliate against workers, and hold non-compliant employers accountable with adequate penalties.
- Simplify the procedures necessary for migrant workers to submit, access, and track complaints via the Public Authority for Manpower (PAM) online mechanism, and ensure it is available in accessible languages.
- Enhance intergovernmental cooperation and coordination with migrant worker country of origin embassies, so that migrant workers receive necessary information on their rights, contracts, and pre-departure and post-arrival training as well as access to remedy and shelter when faced with labor rights violations.
- Criminalise the confiscation of workers' passports by employers.
- Extend all workers' protections provided in the Private Sector Labour Law so that they cover migrant domestic workers; this should include removing barriers to labour inspections in private homes.
- Intensify awareness-raising campaigns about occupational safety and health in the face of climate change events and develop these in partnership with migrant worker unions.
- Ratify the ILO C189 Domestic Workers Convention, and enhance investigative measures, for the protection of domestic migrant workers rights in line with this convention
- Ratify and effectively implement the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.