



MIGRANTS REFUGEES

Migration Profile

KUWAIT

A. Executive Summary

Despite its strong workforce, nationalization policies, and the increasing struggle against integration of migrants in Kuwait (which has been underway in recent years), the country's economy continues to rely heavily on its foreign workforce. Kuwait has signed memoranda of understanding and agreements with several workforce-sending countries, starting with South and Southeast Asian, and also African countries, to facilitate the recruitment of migrants, especially for work as domestics. A sponsorship system known as *kafala* is almost the only way to recruit migrant workers and it is also used to closely monitor migrant labourers working primarily in the construction and domestic sectors. *Kafala* is often seen to be linked with trafficking in persons, forced labour and abuses, including excessively long working hours without rest or days off, confiscated passports, delaying or withholding wages, arbitrary non-renewal of work permits, physical and sexual abuse, and frequent forced confinement inside the house for domestic workers. In general, access to justice for migrants in Kuwait remains extremely difficult, especially since full legal responsibility is given by the State to the sponsor, who is at liberty to cancel a migrant's work visa at any time. COVID-19 has further increased the vulnerability of migrants to abuses, expulsions, and sanitary issues as the Kuwait economy has entered a deep recession due to the drop in oil prices. In 2020, the government's efforts to nationalize the workforce increased dramatically, as did the number of repatriations of migrants.

Kuwait did not sign the 1951 Refugees Convention and does not have an asylum system, making statelessness another important problem. The country ranks 4th in the world for the proportion of stateless people in the total population.

Kuwait has signed the Global Compacts on Safe, Orderly and Regular Migration and on Refugees, and many other international instruments, but most of the principles contained in these measures remain completely ignored or only partially addressed in national legislation.

The government of Kuwait does not allow for the presence of non-Muslim international organizations. The Church is present, however, and provides spiritual and sacramental support to the faithful migrants as well as general education through its three private schools. The Order of the Friars Minor Capuchins (OFM) has the *jus commissionis* for the pastoral care of migrant

workers. Most clerics are considered in the same category as migrant workers, because of the legislation and *kafala* system. The Church cannot host refugees or migrants who are in difficulty.

B. Country Profile

I. Basic Information

The country is located at the head of the Persian Gulf, bordered by Iraq and Saudi Arabia. Formerly a protectorate of the U.K., Kuwait became independent in 1961. It is an emirate ruled by a constitutional monarchy, whose current chief of state is Amir Nawaf Al-Ahmad Al-Jabir Al-Sabah. The Crown Prince is Sheikh Meshaal Al-Ahmad Al-Sabah, and its head of the government is Prime Minister Jabir Al-Mubarak Al-Hamad Al-Sabah. Kuwait's economy relies heavily on oil exploitation, given that its crude oil reserves account for more than 6% of world reserves. Despite this resource, Kuwait has failed to diversify its economy or to bolster the private sector. There is an overall poor business climate and a very large public sector which employs most of the country's workforce, close to 74% of its citizens. Economic reforms have been scarce due mostly to internal tensions within the government. Kuwait sides with Saudi Arabia in the war in Yemen.

COVID-19 and related restrictions throughout the world have had a considerable impact on petroleum industries, including Kuwait's, thus reducing revenues and further challenging the government to accelerate economic diversification, in addition to dealing with the issue of vulnerable populations, especially migrant workers.

II. International and Internal Migrants

Most migrant workers in the Gulf have a job linked to a visa for one, two, and sometimes three years. Most of the workers are men from South and Southeast Asian, Arab, North African or Sub-Saharan African countries, and who have left their families behind. Some are women, working mainly in domestic service or as semi-skilled and skilled workers in hospitals, restaurants, offices, security agencies, etc. Very few companies allow the family to enter the country with the migrant worker.

In these Gulf countries, the main challenge is not unemployed migrants, as is the case in other countries, but the *kafala* system, which requires every migrant worker to have a "sponsor" before they can obtain a residence visa in order to become able to work for one to three years. This *kefala* system puts migrants in a situation of legal dependence, exposing them to many abuses, including excessively long working hours without rest or days off, confiscated passports, delayed or withheld wages, forced labour, arbitrary non-renewal of their work permits, physical and sexual abuse, and often forced confinement in the house for domestic workers.

Migrants often live in crowded labour accommodations and face inequitable access to medical care and health insurance. Kuwait's immigration detention centres and prisons have often been found to hold detainees in cramped, dismal, and unhygienic conditions. Institutional

corruption, structural injustice and discrimination are rampant. Sometimes, migrant workers who no longer have a sponsor or work permit and who do not want to return to their country of origin are exploited and are provided with illegally sourced work permits. They end up working in prostitution or drug trafficking. Paradoxically, there are unions that actually exploit these vulnerable workers who have become illegal: they are sold to other bosses, and typically half their wages are withheld. Migrant workers who attempt to flee their employer usually face imprisonment or deportation.

In 2019, the population of Kuwait was estimated at 4,420,100, with non-Kuwaitis accounting for 70% to 72.1% of that total, with approximately 3,034,800 international migrants. In 2017, Kuwait ranked eighth in the world for its remittances. In 2018, it was estimated that among the non-citizen population, the majority came from Asia. The three largest immigrant groups are from India (1.1 million), Egypt (410,800) and Bangladesh (370,800). Others come from the Philippines, Sri Lanka, Pakistan, Lebanon, Egypt, Jordan, Palestine, and Syria. In 2019, most migrants were men, with 33.6% women, and 18% children (according to the UNICEF definition). The migrant population increased by 17% between 1995 and 2019. The current (2020) net migration rate for Kuwait is 7.125 per 1,000 inhabitants, and a 15.56% decline compared to 2019. Still, up to 82% of the total workforce are migrants employed through the *kafala* system, predominantly in domestic service. Most Kuwaiti households (90%) employ foreign domestic workers who account for 21.9% (around 620,000 persons) of the country's total workforce. Migrants are also employed in construction, hospitality, and sanitation sectors in what are known as "3D jobs": dirty, dangerous, demeaning. By contrast, Kuwaiti nationals represent a majority of those employed in the public sector (74%) and in high-paying components of the private sector (finance, insurance, mining, etc.).

Along with Saudi Arabia, Kuwait has sought to leverage India's substantial commercial interests in the country to increase access to migrant women domestic workers from India. Kuwait has the world's largest share of Indian women migrant domestic workers. Only Filipina women are more numerous than Indian women in Kuwait. In 2019 Cambodia entered in an agreement with Saudi Arabia and some 4,000 female Cambodian domestic workers arrived – just part of Kuwait's target of 10,000 women domestic workers. Kuwait also recruits migrants from African labour-sending countries, as workers continue to defy the bans that many African countries have put in place to prevent their citizens from going to Kuwait. Many countries prevent their female citizens from becoming domestic workers in Kuwait including: Bhutan, Burundi, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guinea, Guinea-Bissau, Indonesia, Kenya, Madagascar, Malawi, Niger, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Uganda, and Zimbabwe. In January 2020, the Philippines put in place a partial ban on the deployment of domestic workers in Kuwait and the negotiations for a standard contract for domestic workers were put on hold, following the murder of a domestic worker by her employer's wife, which further confirmed the lack of state protection for domestic workers. Furthermore, these workers earn less than 20% of the average national wage. In addition to the *kafala* system and its potential for abuses, migrants in Kuwait face spatial segregation policies. Many migrant workers live in remote labour camps or in

temporary housing near project sites. In the cities, they often live in shared dwellings in residential areas rented from Kuwaiti landlords. Many Kuwaiti nationals prefer not to live next to migrants, and in response in 2019, the government launched the “Be Assured” campaign in an effort to remove the so-called “bachelors” (male migrants unaccompanied by their families) from the residential areas in cities. This has left hundreds of low-income male migrants homeless and in miserable conditions. The campaign even included cutting electricity and water in the locations where these migrants lived in order to force them out.

Some irregular migrants benefitted from an amnesty in April 2020 due to COVID-19 and several extensions have been given to them until the end of November 2020. But the pandemic and economic recession continue to increase, forcing the Kuwait government to introduce bills to nationalize the workforce and to set new limits on the employment of foreign workers. In 2021, an estimated 800,000 Indians will likely be among those who are forced to leave Kuwait as a new bill aims to reduce the total of migrant workers in the country by 40% and keep the number of Indian workers to no more than 15% of the Kuwaiti population.

III. Emigration and Skilled Migration

Kuwait is also a migrant and refugee sending country. Elsewhere in the world (in 2019), there were 205,400 Kuwaiti emigrants, 1,300 refugees and 1,400 asylum seekers, most of whom were living in Greece, the United Kingdom, and France.

IV. Forced Migrants (internally displaced, asylum seekers, refugees and climate displaced)

Forced migration to Kuwait has mainly been caused by wars in surrounding countries. By mid-2018, Kuwait hosted 1,122 UNHCR-registered refugees, mostly from Iraq, Somalia, and Iran. UNHCR reports that in 2019, there were between 692 and 1,700 refugees in Kuwait, and 1,073 asylum seekers. In recent years, asylum applications have also been received from people from Ethiopia, Eritrea, Pakistan, Afghanistan, and Lebanon. Some Syrians and Yemenis who were also present, had been exempted from deportation due to war in their home countries, though in 2018 these exemptions were stopped.

Climate displacement: Climate and environmental risks for Kuwait are related to droughts and the availability of potable water. From 1999 to 2018, Kuwait was ranked 163rd in the Climate Risk Index, jumping to 57th in 2018. The country has faced major material losses due to climate related events. Still, to date, no climate displacements have been reported in the country.

V. Victims of Human Trafficking

Migrant workers in Kuwait face many abuses, the majority of which relate to human trafficking. In Kuwait, those most vulnerable to forced labour and Trafficking in Persons (TIP) are unskilled labourers and female domestic workers. In 2017, almost all the persons who were trafficked in Kuwait (99.6%) were women.

The abuses faced by migrants in Kuwait are generally the same as in neighbouring Gulf countries, where many are working in substandard conditions which in turn heighten their risk of forced labour. The main forms of TIP abuses in Kuwait relate to non-payment or late payment of wages, as well as passport confiscation (which is ubiquitous in Kuwait), working without a formal contract or in conditions inconsistent with their contracts. Many contracts are said to be written exclusively in Arabic, giving way to potential abuses due to difficulties for those migrants unable to read Arabic. Other conditions relate to debt-based coercion, overwork, forced confinement, food deprivation, and psychological/physical/sexual abuse, especially for those in domestic service. TIP is perpetrated by businesses of all sizes, from private families to recruitment agencies in Kuwait and also in the sending countries.

The Kuwaiti legal system and the problematic *kafala* system (which requires migrants to obtain permission for an exit visa from their employers before they can legally leave the territory) result in some labourers being forced to work beyond their contract term, making them more vulnerable to TIP. Some women and children, both migrant and Kuwaiti, are vulnerable to forced begging or sex trafficking. Trading in illicit visas is another form of TIP in Kuwait. Runaway migrants are also more vulnerable to traffickers who exploit their illegal status to force them into sex trafficking.

VI. National Legal Framework

By 2017, Kuwait had ratified 11 international human rights instruments including the Forced Labour Convention, the Abolition of Forced Labour Convention, the Discrimination (Employment and Occupation) Convention, the Minimum Age Convention, the Worst Forms of Child Labour Convention, the Freedom of Association and Protection of the Right to Organize, the Right to organize and Collective Bargaining Convention and the ILO Domestic Workers Convention. It is the actual adoption of these international principles within the Kuwaiti national legal system that remains lacking. The government did not ratify the Equal Remuneration Convention. Legal protection of migrant workers is extremely difficult as they are not citizens, and protection systems are further hindered by the *kafala* system which gives full legal responsibility, powers, and rights to the sponsor, who in turn is at liberty to cancel the migrant's work visa and have them expelled. Changing sponsors is normally not permitted, except when the sponsor chooses to sell their rights over the labour of a migrant to another sponsor.

Not included under Law 68/15, the Labour Law, are domestic workers who do not benefit from the same mechanisms and protection. The domestic labour law does guarantee domestic workers one day off per week, a maximum 12-hour workday, minimum wages paid per month, paid annual leave, and access to file formal grievances at the Ministry of the Interior, among other protections. Other laws from recent years have allowed the reduction of recruitment costs for domestic workers, stopped illegal recruitment fees, and secured labour agreements for female workers. Other measures have been taken to improve the process for filing complaints

and the prosecution of labour law violators. Despite their good intentions, these protection mechanisms remain inadequately enforced.

In general, Kuwait has put in place policies that increasingly favour its national workforce over migrants, who are excluded from certain sectors of the economy. And in the same effort to redress the demographic imbalance in the country, migrants who are aged 60 years or more have become the target of a new proposition planned for 2021, which will stop the renewal of residency permits for workers as soon as they reach that age.

Kuwait is not party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. All non-citizens in Kuwait fall under national immigration laws. The Constitution prohibits *refoulement*, but refugees cannot benefit from integration opportunities as their stay is always considered to be temporary: resettlement or repatriation is the core objective. Visa restrictions are imposed on several nationalities and refugees from these countries, effectively denying them access to basic public services: education, health care, and employment.

The 2013 anti-trafficking law criminalized sex trafficking and labour trafficking, and prescribed stringent penalties of imprisonment for up to fifteen years for offenses involving adult male victims, and up to life imprisonment for those involving an adult female or child victims. Even if the government continued treating many TIP crimes through arbitration and administrative penalties, and continued to detain, prosecute and deport trafficking victims, it has shown increasing effort to invest against TIP. It has approved a national strategy to combat it, engaging in awareness campaigns against it as well as against migrant smuggling. It now has a few shelters to welcome victims of human trafficking.

VII. Main Actors

Kuwait is a member of the United Nations and the International Labour Organization (which works with the government to improve the legal framework of labour), and is an observer state to the International Organization for Migration. The UNHCR is the institution that deals with asylum-seeking migrants and refugees as the State does not have legal frameworks and institutions to deal with them.

Catholic organizations or confessional organizations other than Muslim are not allowed in Kuwait. Only two churches are recognized and tolerated in the country. Officially a Muslim country, most (around 74.6%) are Muslim, a significant minority (18.2%) are Christian, and the rest (9%) are categorized as 'other'. Most forms of public religious expression inconsistent with the government-sanctioned interpretation of Sunni Islam are restricted. Non-Muslim places of worship are not permitted. Alms or "fund raising" for humanitarian causes is forbidden without the permission of the government. International Human Rights organizations have generally been kept out of the country.

Still, the Church is present in the country. Kuwait is under the mandate of the Apostolic Vicariate of Northern Arabia (AVONA). The Order of the Friars Minor Capuchins (OFM) has

the *jus commissionis* for the pastoral care of migrant workers in the Apostolic Vicariate of Northern Arabia. In addition to the secular diocesan priests, Franciscans are assisted in their mission by Discalced Carmelite priests, Salesian priests, a priest of the Maronite Rite, and a permanent deacon. The Church has three religious communities that also provide education through their three high schools. The Rosary Sisters from Jordan and Lebanon run the Fager Al-Sabah School, a private school recognized by the State which teaches from Kindergarten up to entrance to University. The Apostolic Carmel Sisters from India run the Carmel School, a private school recognized by the State and which prepares pupils for the All India Secondary School Examination and the All India Senior Secondary Certificate Examination. The Salesians of Don Bosco from India run the Indian English Academy School, a private school recognized by the State that prepares its students for the All India Secondary School Examination.

Most clerics are considered as migrant workers because of the legislation and *kafala* system. This limits the Church to providing only spiritual assistance to the faithful in the form of sacramental service through its three Catholic churches and mission in Kuwait. The Church cannot host refugees or migrants who are in difficulty. Though no official figures exist, it is estimated that in Kuwait there are approximately 200,000 Christians, 75,000 of whom are Catholics. Most of these are working migrants from many nations including: India, the Philippines, Sri Lanka, Bangladesh, Pakistan, Lebanon, Egypt, Jordan, Palestine and Syria, as well as an estimated 200 Kuwaiti nationals. Most (about 80%) of the faithful belong to the Latin Rite, while the rest belong to Eastern Rites (Maronite, Greek Catholic, Coptic Catholic, Syrian Catholic, Armenian Catholic, Syro-Malabar, Syro-Malankara and Chaldeans). Ecumenical relations between the Catholic Church and other Christian Denominations present in Kuwait (Orthodox (Greek, Coptic, Armenian, Syrian, Indian), Anglicans, Protestants, and Presbyterians) have resulted in the formation of a National Ecumenical Fellowship; common prayer services are sometimes held.

VIII. Other Important Issues

In 2018, Kuwait signed the Global Compact on Safe, Orderly and Regular Migration and the Global Compact on Refugees were signed.

The country is home to the 7th largest stateless population in the world (but ranked as 4th in terms of the proportion of its own population). There is a minority group in Kuwait known as the *Bidun* (“without”), a group of people who face much discrimination, including the denial of their rights to employment and public services. They are included in Kuwait’s estimated 92,000 stateless persons (2018). Kuwait’s 1959 Nationality Law defined citizens as persons who settled in the country before 1920 and who had maintained normal residence since then. One third of the population, descendants of Bedouin tribes, missed this limited opportunity to register for nationality rights after Kuwait became independent in 1961 and found themselves classified as *bidun*. Since the 1980s, they have progressively lost their rights, including opportunities for employment and education. They have been labeled as “illegal residents” by the government, denying them access to civil documentation such as birth and marriage certificates. In 2019,

some progress was made with a law that allowed the granting of Kuwaiti citizenship to up to 4,000 *bidun* individuals, though no official figures on the result of that law were ever published. Kuwait remains outside of the 1954 Convention Relating to the Status of Stateless Persons and also the 1961 Convention on the Reduction of Statelessness.

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