

To: H.E. Mariam Aqeel Al-Said Hashim Al-Aqeel, Minister of Social Affairs and Labor

Copy: H.E. Ahmad Al-Mousa, Director General of the Public Authority for Manpower

April 10, 2020

Your Excellency,

We, a coalition of civil society organizations and trade unions, write to ask your government to ensure that migrant workers receive adequate protection from COVID-19 and to propose general recommendations in that regard. We urge you to take actions that protect migrant worker health, and public health generally. These actions should be consistent with fundamental human rights and the underpinning principle of non-discrimination. As the UN Migration Network outlined in its statement of March 20, “the inclusion of all migrants and marginalized groups is necessary in all aspects of the response to COVID-19, whether we are looking at prevention, detection, or equitable access to treatment, care or containment measures, or safe conditions of work.”

Kuwait is highly dependent on low-paid migrant workers, the vast majority of whom come from south and south-east Asia and east Africa. Despite numerous creditable actions in recent years towards labour reform, low-paid migrant workers remain acutely vulnerable to human rights abuses that increase their risk of infection from COVID-19. These include crowded labour accommodations and inequitable access to medical care and health insurance and immigration detention centers and prisons that have often been found to hold detainees in cramped, dismal and unhygienic conditions. Furthermore, the impacts of COVID-19 on the economy are likely to disproportionately impact migrant workers when it comes to employment issues such as reduced wages and job losses.

We are concerned by the relative dearth of information on the spread of coronavirus in Kuwait given these risks and would like to take this opportunity to remind you that governments are responsible for providing information necessary for the protection and promotion of rights, including the right to health. In that regard we would urge you to ensure that your government fully respects the rights to freedom of expression and access to information, and only restricts them as international standards permit. The UN Committee on Economic, Social and Cultural Rights recommends “providing education and access to information concerning the main health problems in the community, including methods of preventing and controlling them.” A rights-respecting response to COVID-19 needs to ensure that accurate and up-to-date information about the virus, access to services, service disruptions, and other aspects of the response to the outbreak is readily available and accessible to all.

In view of the well-documented and specific vulnerability of the migrant worker population in Kuwait and the critical role their protection plays in upholding their rights and ensuring an effective public health response to the spread of COVID-19, we would urge you to take the following steps to protect law-paid migrant workers in Kuwait. These are general recommendations some of which we understand your government may already be following:

- Ensure that all workers, quarantined or otherwise, whose living conditions leave them particularly vulnerable to infection, have equal access to testing and are provided with appropriate medical treatment, and that undocumented workers can seek medical treatment without fear of negative consequences, including detention and deportation. All workers should have access to adequate housing

facilities, including facility to isolate themselves if necessary, as well as adequate water, food and sanitation, so they can effectively protect themselves.

- Ensure that any sanctions imposed for quarantine violations avoid detention. Many detention facilities will further increase vulnerability to infection with overcrowding, shared bathrooms, and poor hygiene making it virtually impossible to put in effect basic measures to prevent a COVID-19 outbreak. Ensure that all workers who have been detained previously have equal access to testing; provided with adequate medical care if needed; and released from detention with the possibility of self-isolation where necessary. Refrain from arbitrary deportations of migrant workers, including as a means to contain COVID-19. Suspend arrests for workers who are accused of “absconding” or other immigration violations, ensuring alternative and safe accommodation if they could otherwise become homeless. Give people in immigration detention pending deportation alternatives amid health risks and global travel restrictions making deportation impossible in the near future. Ensure that expired visas and ID cards can be extended online during this period.
- Seek the input and support of national and sectoral trade unions, where they exist. Ensure that migrant workers who are unable to work, either due to preventive quarantine or testing positive for COVID-19, continue to receive their wages and have an adequate standard of living, and that employers do not use the situation as a cover for introducing abusive practices such as unfair deductions or non-payment of wages or unfair dismissal. Monitor businesses to ensure that working conditions are safe and that companies across all sectors are implementing guidelines and requirements, including that workers have access to necessary protective measures and workplaces comply with adequate health and safety requirements including those specific to COVID-19. Ensure that all workers have effective access to remedy where their rights are breached, in particular during this period of enhanced vulnerability.
- Provide the public with information to ensure that migrant workers, including domestic workers, do not face discrimination or stigma in relation to the COVID-19 virus.
- In light of their acute vulnerability, ensure domestic workers are provided with access to timely and adequate protective measures and healthcare, and receive sick pay if they are unable to work due to illness. Instruct employers to provide domestic workers with protective equipment like gloves and masks for both cleaning and caring for any sick individuals, and to respect their rights including limits on their working hours and providing a rest day. Authorities should ensure there is a hotline so that workers or their families can call in situations of distress, and address the concerns of any worker in distress.

We have sent similar letters to other Gulf States with similarly vulnerable migrant worker populations and would urge your government to demonstrate regional leadership on this issue.

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