

Memo Containing the Response of the Government of Kuwait to the Report by Human Rights Watch on Domestic Labor in Kuwait

(Translated by Human Rights Watch)

At the outset, it should be noted that Ministerial Decree 1182/2010 on the regulation of procedural rules to obtain licenses for private domestic workers' offices and similar categories of persons required such offices to conclude tripartite contracts with the office, the sponsor, and the domestic worker or similar categories of persons. It also required that the contract specify all the obligations and rights of the domestic servant and similar categories of persons such as wages, the office's commission, annual vacations, work hours, the provision of adequate housing, treatment in case of illness, and work injuries.

The Ministerial Decree also addressed other aspects of the issue, such as the domestic servant's wages and work hours, and established strict regulations for the sponsor who abuses a domestic servant or denies his rights. For example, in such cases the sponsor's name is included on security watch lists and he is prohibited from issuing any visas to other domestic servants. The law also guarantees the domestic servant and similar categories of persons the right to judicial redress for any financial entitlements (wages) unpaid by the sponsor.

It is the right of the domestic servant, if he is subjected to physical beating, ill treatment, or physical cruelty, to seek recourse with the Directorate of Domestic Labor within the General Immigration Directorate and from there with the investigative body and subsequently the judiciary according to jurisdiction, for such acts are considered crimes prohibited by law and are punishable by prison and financial compensation.

Regarding the requirement that a domestic servant pay a financial sum in exchange for changing his place of work, Ministerial Decree 1182/2010, In Article 11, paragraph 2, states, "If the licensed party (the office) receives from the domestic servant or similar categories of persons any remuneration in exchange for supply or employment, the labor supply office shall be abolished."

Regarding the escape of domestic labor from households and the criminal penalties they face, including an unspecified term of detention and deportation from the country, it should be noted that when a domestic worker flees the household this is a violation of the terms of his residency in the country. The domestic worker must seek recourse with the Directorate of Domestic Labor or a police station to state the problems he faced during his work in the sponsor's home instead of fleeing, searching for another job, and remaining in the country illegally.

Kuwaiti law has also addressed the issue of the confiscation of domestic servants' passports by sponsors by criminalizing it. In such a case, the domestic worker may turn to the judiciary to reclaim his passport. If necessary, he may obtain an emergency travel document from his embassy and leave the country.

Regarding the sponsor system, employers are held legally liable for charges against them. In such cases, the immigration authorities cancel the legal residency of the worker. If the worker's residency is cancelled and it is proven that the sponsor arbitrarily violated the rights of the worker, the worker may seek recourse with the judiciary to demand compensation for damages incurred.

Article 5 of Law 6/2010 on private sector labor stipulates that the competent minister shall issue decrees containing rules regulating the relationship between domestic workers and employers.

The state of Kuwait has established a shelter for workers for cases in which workers have a dispute with their employers. Through these centers, the state offers health and psychological care and provides the wards with all necessary care and living services until their status is resolved and they are guaranteed receipt of their entitlements.